

guide Education 50 is chock full of information to guide you and will be an up-to-date analysis of all major state races for November's final contests.

**MORE UNION DISSENT. This time** in South Carolina. Dubbed a "mobilization", the rally at least took place on a Saturday when the livelihood of the children was not at stake. Want more money and benefits? Teachers should get up to speed on what's really preventing that from happening. (Hint: It's not education reform).

**BAIT & SWITCH.** The media have been hoodwinked clearly by catchy surveys conducted by the Louisiana Federation of Teachers claiming a majority of teachers support their strikes and demonstrations. Take a look at this loaded question they used to stir the pot. Again, teachers should ask themselves, what has the union done lately to ensure that school spending reaches the classroom, to reduce their dues, to reduce pension costs, ensure that salaries not be topped off at the end of a teacher's career, and that greatness is rewarded, while mediocrity is not? The reality is that most teachers don't know how they are paid, or why.

## Louisiana Teacher Salary Satisfaction Survey 2018

School funding in Louisiana has remained stagnant for most of the last decade, and our teacher salaries are now about \$2,000 below the Southern regional average. Another budget crisis is looming, and yet our legislature has taken no steps to avert it.

In some states, teachers and school employees have acted to demand pay raises and better funding for schools. Actions in West Virginia, Oklahoma and Kentucky had positive results for educators.

Please complete this survey. Let the Louisiana Federation of Teachers know what you think about salaries in our state, and what you think will help correct the situation.

1. Compared to other states, how satisfied are you with the current state of teacher salaries in Louisiana? (Please select the response that best describes your level of satisfaction.)

Very Satisfied

Satisfied

2. How satisfied are you with the current state of teacher salaries in Louisiana? (Please select the response that best describes your level of satisfaction.)

Very Satisfied

Satisfied

3. How satisfied are you with the current state of teacher salaries in Louisiana? (Please select the response that best describes your level of satisfaction.)

Very Satisfied

Satisfied

4. How satisfied are you with the current state of teacher salaries in Louisiana? (Please select the response that best describes your level of satisfaction.)

Very Satisfied

Satisfied

5. How satisfied are you with the current state of teacher salaries in Louisiana? (Please select the response that best describes your level of satisfaction.)

Very Satisfied

Satisfied

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SOME LA TEACHERS IN FAVOR OF STRIKE

SURVEY SHOWS 61% SAY THEY'RE FOR A STATEWIDE WALK-OUT

72° 10:07 PM

**WHEN THEY CAN'T WIN THEY SUE.** Repeated lawsuits initiated by the unions against the tiny Washington State charter school law are going to prevent more students like Jalen Johnson, an 11th-grader at Summit Sierra charter school in Seattle, from succeeding. Johnson told the crowd at a pro-charter rally that the commitment of his teachers helped turn him from an average middle-school student who had little thought of attending college to a thriving high-school junior who hopes to study urban planning at the University of California at Berkeley. "This is how every school should be." That's the same theme in Georgia in a news report about charter school graduates. "Public

school choice, in the form of successful, innovative public charter schools, helps struggling children thrive and graduate.”

**SPEAKING OF GRADUATES**, Michigan’s charter schools are forcing some who have long used flawed data to condemn Detroit charters to eat their words. Turns out that with struggle comes progress (as one of our friends would say). A dollar spent by a Detroit charter yields 2.5x lifetime earnings, according new a new report by the Mackinac Center. Indeed 8 of the 10 top high schools in Detroit for college enrollment were charter schools. Despite the good news, the Gubernatorial Democratic frontrunner in Michigan announced earlier this month his “war on charter schools.” Shri Thanedar is campaigning on a plan to ban most Michigan charter schools. His competitor Gretchen Whitmer is following his lead.

**ILLINOIS CHOICES UNDER ATTACK, TOO.** Political efforts motivated by stiff teacher union pressure threaten the elimination of the successful Invest in Kids Act program, despite its popularity and necessity. Empower Illinois received 24,000 applications as soon as its scholarship program went live, causing its website to crash, and is up to 50,000. The state tax credit program is decried by the teachers’ union because it’s a policy that supports educational alternatives. So as the unions work to pull teachers out of school they are also trying to stop kids from going to schools that meet their needs. Go figure.

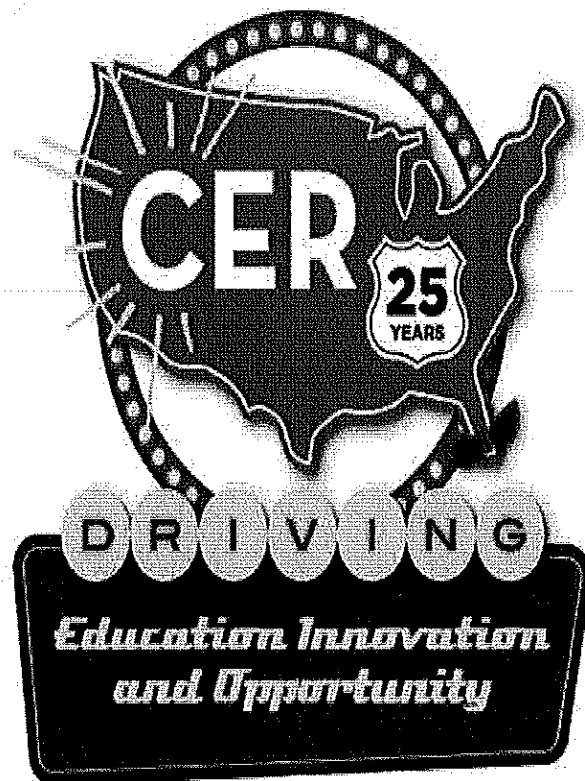
**FLORIDA DISTRICTS FIGHT** equality for kids while they deny charter public schools their equal right to property tax money.

**DESPITE FAILURE & SAFETY ISSUES**, the head of the National Education Association (NEA) is galloping into Kentucky to the fight proposed state takeover of Jefferson County Public Schools.

**LET US PRAY. THE MUCH-ANTICIPATED SCOTUS *JANUS v. AFSCME* RULING** in late June could mean a seismic shift for teachers’ unions. With the strong possibility of a ruling Mark Janus’ favor, releasing non-

union teachers from mandatory fees, the nation's largest teachers' union, the National Teachers Association (NEA) has announced a projected loss of 300,000 members over two years and accordingly, a proposed annual budget reduction of \$50 million. For more details and analysis on the case and how its outcome will affect all educators and students, listen to this Monday's Reality Check with Jeanne Allen with guest Colin Sharkey, executive vice president of the Association of American Educators.

Check out this week's Reality Check w/Jeanne Allen for an interview with North Carolina charter school leaders about the strikes and their prescription for success.



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*particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.*

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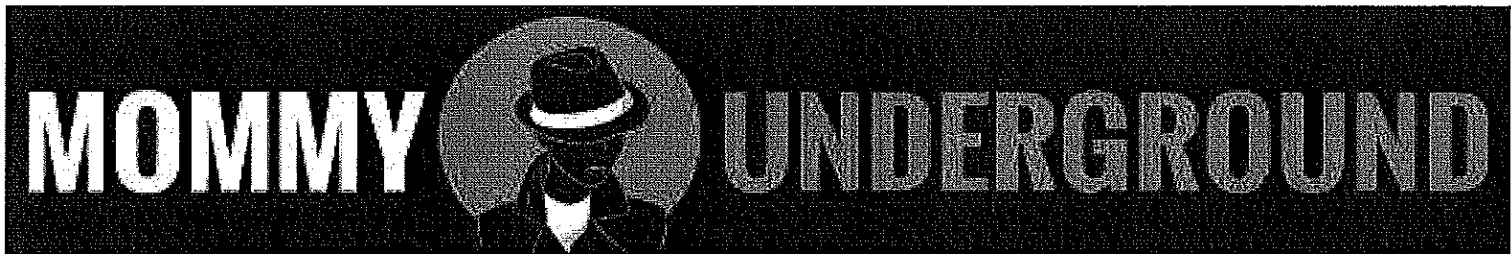
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**From:** Jennifer

**Sent:** Tuesday, May 29, 2018 10:17 AM

**To:** Rep30

**Subject:** Boy Scouts Promote Promiscuity By Demanding Condoms Be Readily Available At Jamboree



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The upcoming World Scout Jamboree takes place next year, and will feature scouts from all around the world, including the Boy Scouts.

While the leaders are marketing the event as a “celebration of cultural exchange”, they’ve taken it to a whole new level of “experience”, by actually offering condoms at the event.

And the World Scout Jamboree planning crew has went even further to say these condoms must be “readily and easily accessible”, and their reasoning is so alarming, it will shock you.

[Click Here to Read More.](#)

Jennifer Roberts,

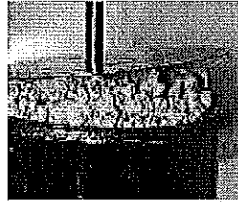
Editor

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*Now it counts*



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## More News:

Boys Miraculous Fight With Death Reveals Frightening Medical Practices

Trump Defies Liberals With Illegal Immigrant Assistance

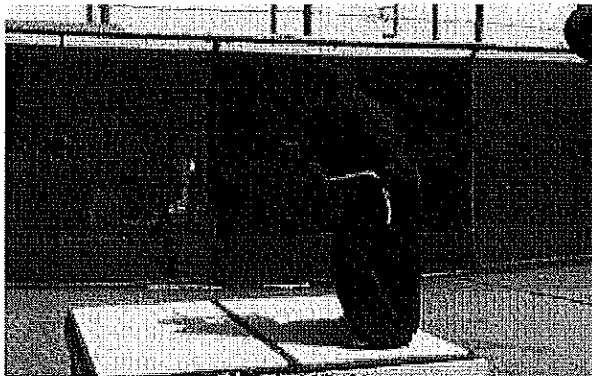
Practical Chore Ideas For Children Of All Ages

Research Proves "Mom Brain" Is Real

## Cast Your Vote Below:

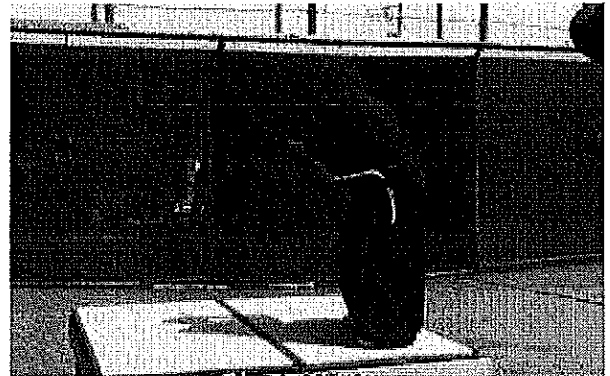
Should School Surveys Ask Gender Identity Questions?

Should Teachers Be Left Defenseless?



Samurai Slices A 100 Mph Baseball in Half  
*Kotaku*

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## Man Who Predicted 2008 Meltdown Surprises With New Prediction

[See his top 2018 prediction here...](#)

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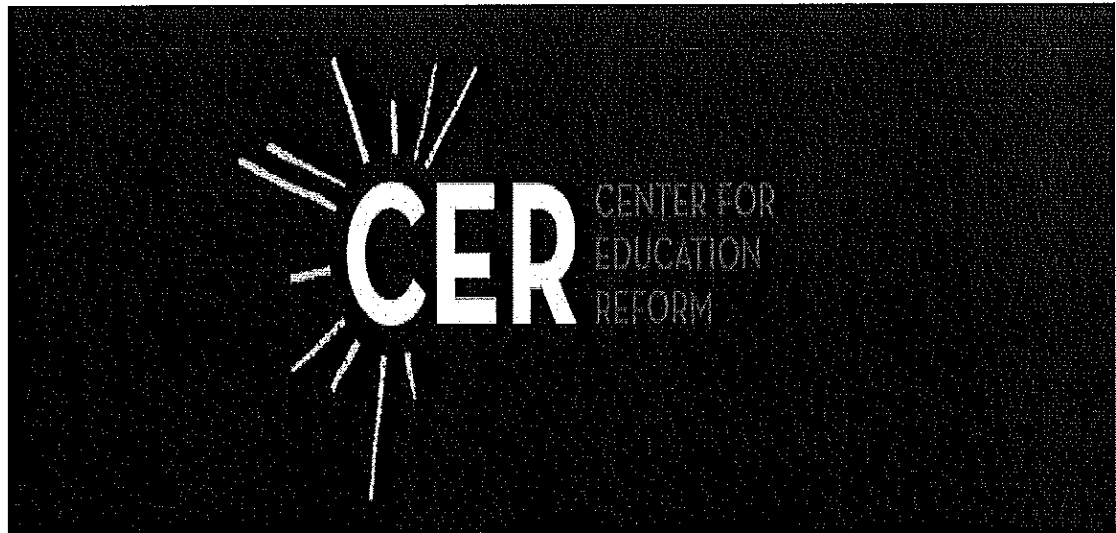
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# newswire@

A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

**GUBERNATORIAL RACES PUT ED FRONT-AND-CENTER.** Who are the education innovation and opportunity candidates? With 36 gubernatorial races at stake, and CER's ED50 ramping up to serve you in the generals, your CER NEWSWIRE will highlight key races & what opportunity voters should know about each candidate from now until the final election day.

**CALIFORNIA.** In the Golden state, the front runner's gold is clearly the teachers unions, who endorsed Lt. Gov and former San Francisco Mayor Gavin Newsom because he says stuff like edreforms such as charters are an attack on public education. Antonio Villaraigosa believes in choice through charter

schools, which earned him the endorsement of California charter advocates and some of their biggest financial backers.

But the State's two leading Republican candidates are polling ahead of Villaraigosa. Businessman John Cox is pretty silent on education opportunity, and Assemblyman Travis Allen is a fierce advocate of educational choice. They are polling at 18 and 16 percent respectively ahead of Villaraigosa's 9%.

**GEORGIA.** The winner of May 22nd= 2s Democratic primary, Stacey Abrams says educational choice is "diversion of funds to private schools" that "[undermine] our government's responsibility." (Hmmm, you mean the responsibility to educate kids which they can't do in most states and communities, Stacey?)

The Republicans will run off Lt. Governor Casey Cagle and Secretary of State Brian Kemp in July both of whom have supported education opportunity. Kemp also supports military vouchers.

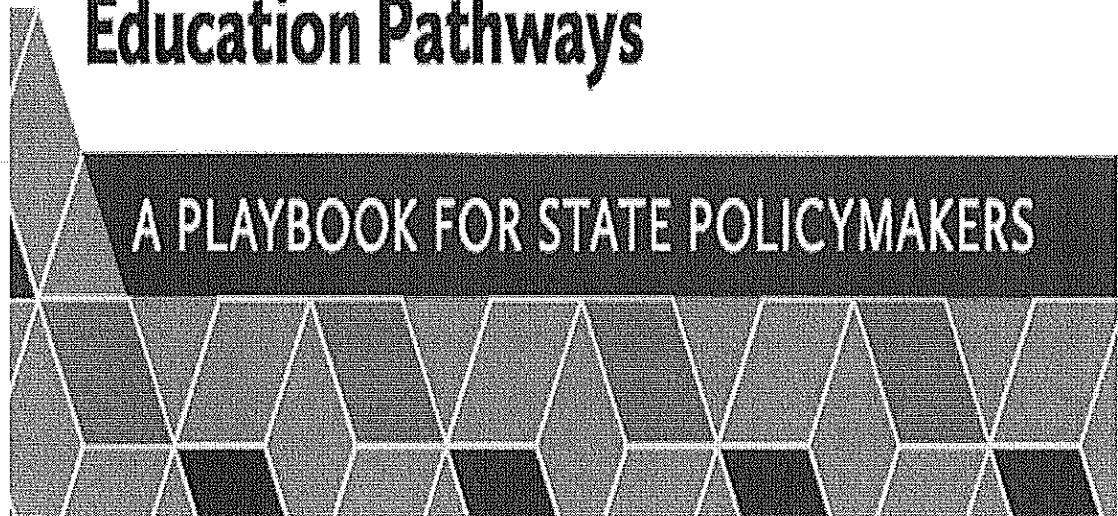
**UNIONS GEAR UP (BRACE) FOR JANUS.** The U.S. Supreme Court will deliver a decision in Janus v. AFSME sometime in June, and true to form, the American Federation of Teachers (AFT) is focused on how to mitigate membership losses that will be inevitable if the Court rules in favor of Janus. AFT says it will lose members (aww, darn) and is buying up advertising to scare people that this decision is terminal... for... exactly who? Imagine if those funds were given back to the teachers who can't make enough money in the prime of their lives thanks to A) the policies they lobby for and B) the dues they extract.

**GET THE DETAILS** with the latest Reality Check w/Jeanne Allen with guest Colin Sharkey, EVP of the Association of American Teachers, the largest non-union professional association for teachers. Colin is uniquely qualified to comment on the case and its implications for the public sector and the teaching profession. Mark Mix, the head of the National Right to Work

Legal Defense Fund, also talks about the case he helped to take all the way to the Supreme Court.

**EXCEL IN ED PLAYBOOK.** Shout out to the Foundation for Excellence in Education for producing the first-ever playbook for state policymakers defining the case for strengthening career and technical pathways through cross-sector partnerships. Let's strive to help learners at all levels, particularly those ill-served by traditional schooling all these years.

# Building Cross-Sector Partnerships to Support Career and Technical Education Pathways

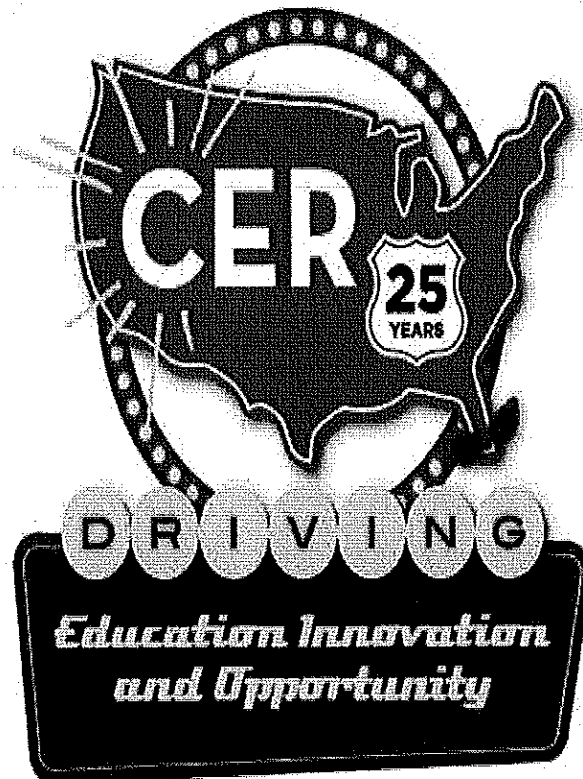


**STUDENT-CENTERED FUNDING IN NORTH CAROLINA?** Could a new funding model mean greater impact, and more money going to teachers students and classrooms in NC? The NC budget includes a 6-7% pay increase for teachers and principals, performance pay provisions for additional bonuses, increases for all education related growth and even includes a provision allowing property tax dollars to fund public schools or public charter schools



directly outside district lines. Consider the impact of this on teachers, who recently took to the streets to protest what they get paid. If money flows to schools, the potential for more and better funding opportunities for teachers is enormous. Think about it!

**JOIN US!** Recognized for their accomplishments in ensuring the creation and advancement of opportunities and innovation across the education landscape, the 8 honorees for CER's 25th Anniversary are change agents, innovators, and leaders of breakthrough options for learners at all levels. They will receive their awards and recognition for their unique accomplishments at the Center's Silver Anniversary Summit & Celebration, October, 25 – 26, 2018 in Miami, Florida, "The Road to Innovation for ONE America." Sit back and watch who's driving opportunity & innovation!

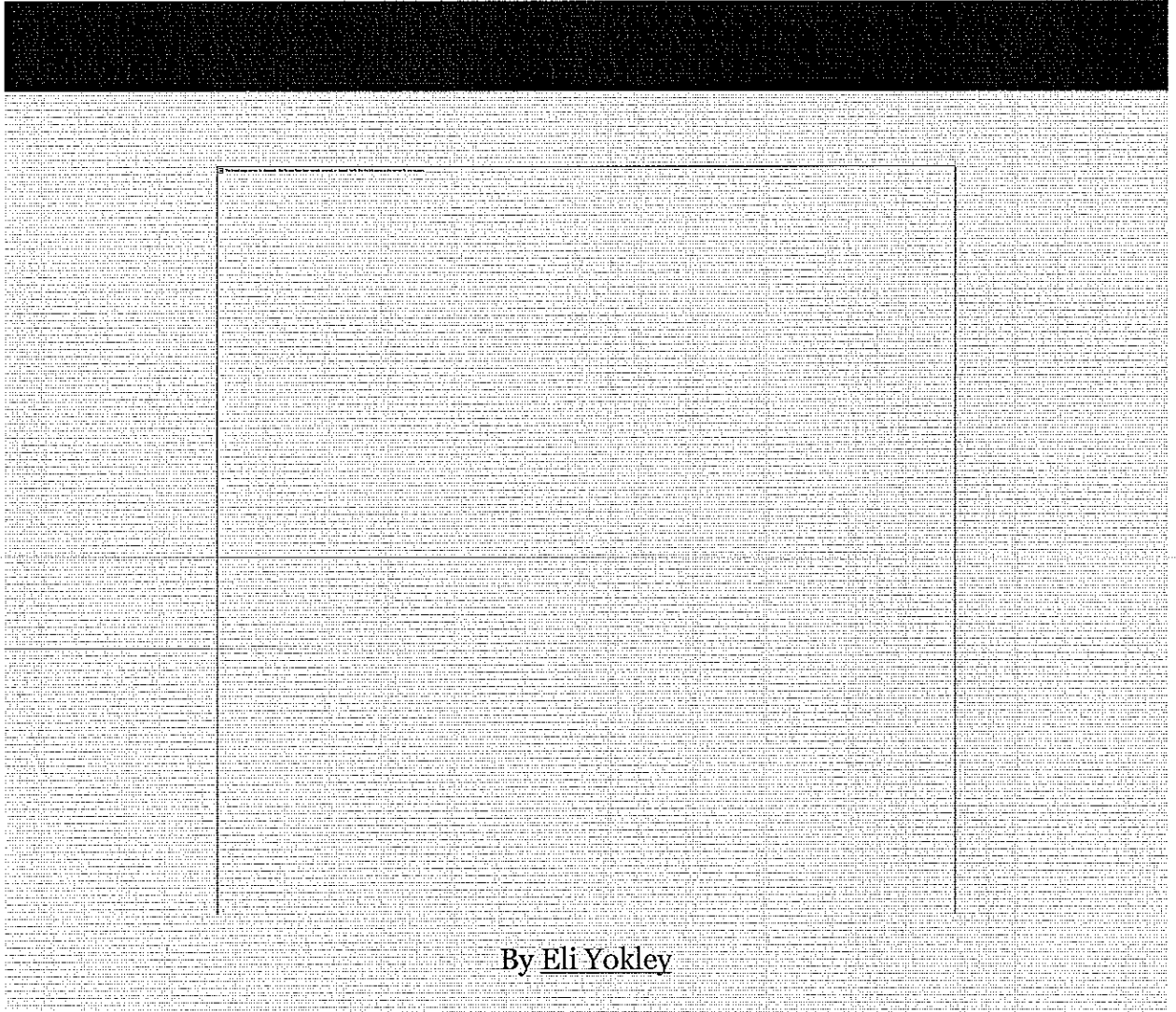


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**From:** Morning Consult  
**Sent:** Monday, June 4, 2018 8:31 AM  
**To:** Rep30  
**Subject:** Morning Consult Washington: Giuliani Says Trump 'Probably Does' Have the Power to Pardon Himself



By Eli Yokley

## Top Stories

- Former New York City Mayor Rudy Giuliani, a lawyer for President Donald Trump, said the president "probably does" have the power to pardon himself. But, during an interview about special counsel Robert Mueller's investigation, Giuliani said Trump "has no intention" of pardoning himself, adding that the "political ramifications of that would be tough." ([ABC News](#))
- Trump's lawyers said in a confidential letter delivered to Mueller's office in January that the president cannot be compelled to testify in the special counsel's investigation, and that Trump could not have committed obstructed justice because he has authority over all federal investigations. Trump's lawyers fear he risks subjecting himself to accusations of lying to investigators if he answers questions voluntarily or in front of a grand jury. ([The New York Times](#))
- House Republican leaders are hoping to broker a deal this week that would allow floor votes on immigration measures controlled by the party's leadership, instead a series of contentious immigration votes that could be forced by moderate Republicans. Two more Republican signatures are needed to trigger the controversial votes via a discharge petition, assuming all House Democrats support the legislative maneuver. ([The Hill](#))

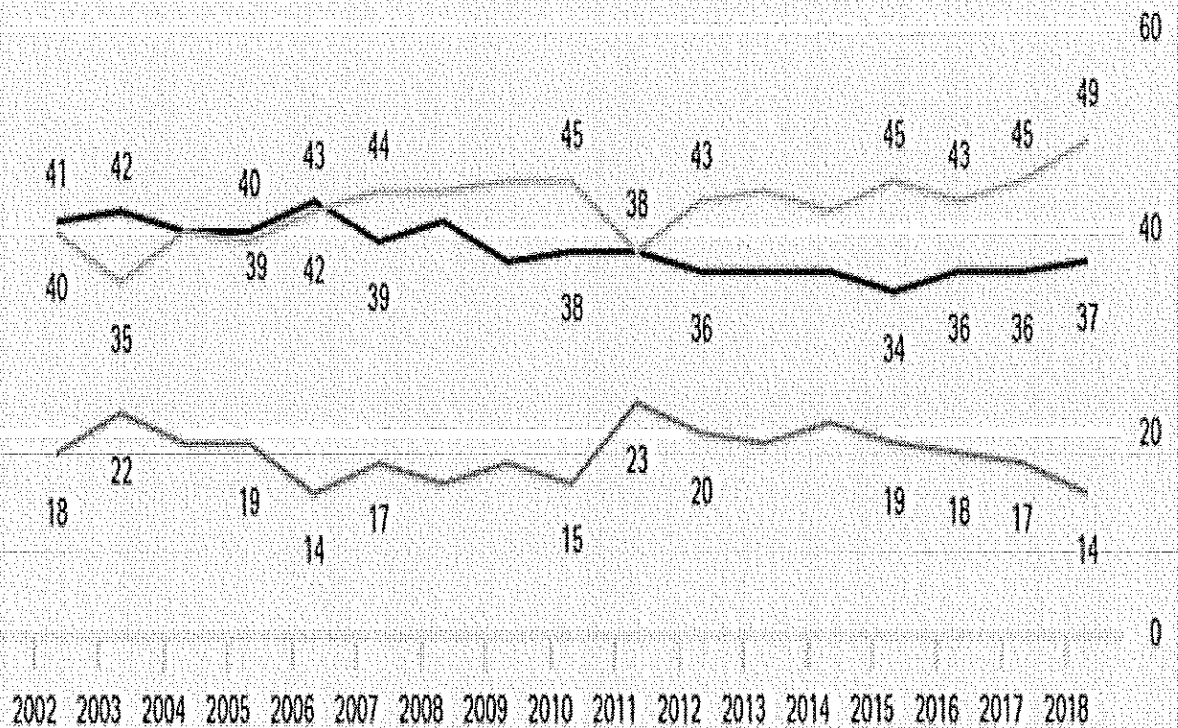
## Chart Review

### About Half of Americans Say U.S. Moral Values Are 'Poor' Gallup

## Public Most Negative Since 2002 About U.S. Moral Values

How would you rate the overall state of moral values in this country today -- as excellent, good, only fair or poor?

■ % Excellent/Good ■ % Only fair ■ % Poor



## Events Calendar (All Times Local)

**MONDAY**

No events scheduled

## **TUESDAY**

<u>Sen. Warner participates in Axios event on tech</u>	8 a.m.
<u>ICE deputy director participates in National Press Club event</u>	9:30 a.m.
<u>Heritage Foundation hosts event on the Trump administration's strategy in Europe</u>	11 a.m.
<u>Montana governor participates in CAP event on money in politics</u>	12 p.m.
<u>Washington Institute for Near East Policy hosts event to discuss the Gulf's view of U.S.-Iran relations</u>	12:30 p.m.
<u>Heritage Foundation event on the potential U.S.-North Korea summit</u>	1:30 p.m.

## **WEDNESDAY**

<u>CEA's Hassett, OECD's Gurría speak at event on new survey on U.S. economy</u>	9 a.m.
<u>Sen. Sanders speaks at event hosted by The Washington Post</u>	9:30 a.m.
<u>HHS' Azar testifies at House Education and the Workforce Committee hearing</u>	10 a.m.
<u>House Oversight and Government Reform subcommittee hearing on ending U.S. involvement in the Iran nuclear deal</u>	2 p.m.

## **THURSDAY**

**DOT's Chao, Sens. Blunt and Cantwell speak at Washington Post event**

**8:30 a.m.**

**Arizona governor participates in AEI event on the opioid crisis and foster care families**

**8:55 a.m.**

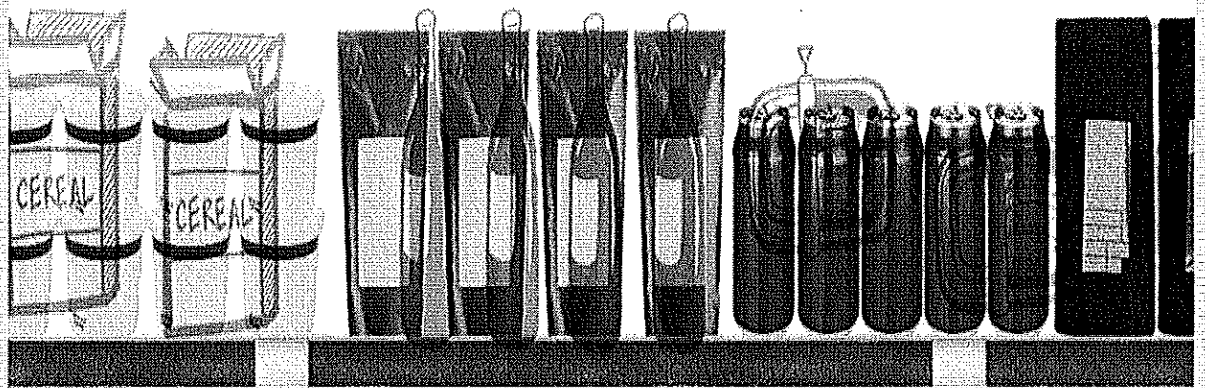
**Commerce Under Secretary Gilbert Kaplan discusses trade policy at WITA event**

**2 p.m.**

## **FRIDAY**

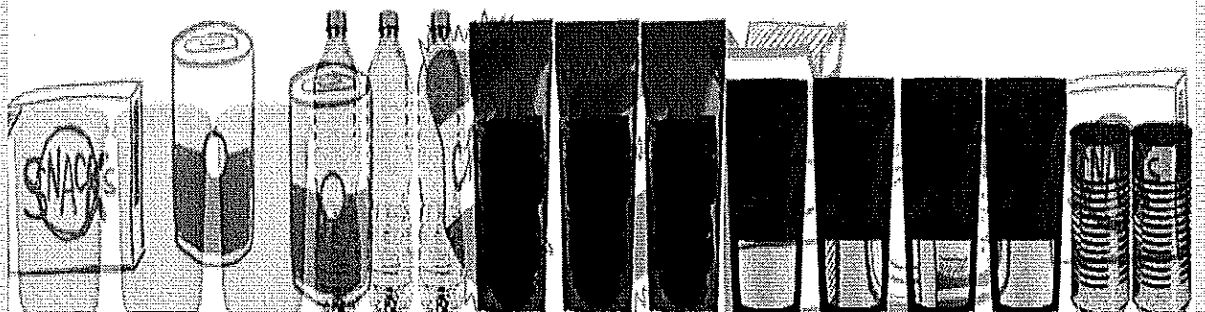
**Heritage Foundation event on U.S.-Indonesia relations**

**10 a.m.**



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## **General**

### **Pentagon to take over security clearance checks** **Lolita C. Baldor, The Associated Press**

The Defense Department is poised to take over background investigations for the federal government, using increased automation and high-tech analysis to tighten controls and tackle an enormous backlog of workers waiting for security clearances, according to U.S. officials. The change aims to fix a system whose weaknesses were exposed by the case of a Navy contractor who gunned down a dozen people at Washington's Navy Yard in 2013.

### **Iran calls on world to stand up to Trump, save nuclear deal** **Bozorgmehr Sharafedin, Reuters**

The world should stand up to Washington's bullying behavior, Iran's foreign minister was quoted as saying on Sunday by state media in a letter to counterparts, as the top diplomat intensifies efforts to save a nuclear deal after a U.S. exit. U.S. President Donald Trump pulled out last month from the 2015 accord between Iran and world powers that lifted sanctions on Tehran in exchange for curbs to its nuclear program.

### **Joe Biden steams into midterm campaigns as 2020 question looms** **Mike Memoli, NBC News**

There are two questions Joe Biden just can't avoid most days: When can you campaign for me? And what are you doing in 2020?

### **Business economists worry about possible recession in 2020** **Martin Crutsinger, The Associated Press**

A group of top business economists believes the major tax cuts President Donald Trump pushed through Congress will give a significant boost to

economic growth this year and next year. But they worry that by 2020, the country could be entering a new recession.

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## **Presidential**

### **President Trump 'probably does' have the power to pardon himself: Giuliani**

**Morgan Winsor, ABC News**

President Donald Trump's personal attorney said the commander-in-chief "probably does" have the power to pardon himself. In an interview Sunday with ABC News Chief Anchor George Stephanopoulos on "This Week," Rudy Giuliani discussed special counsel Robert Mueller's investigation of whether the president may have tried to obstruct justice in the probe of Russian efforts to interfere in the 2016 U.S. presidential election.

### **Giuliani: Trump Could Have Shot Comey And Still Couldn't Be Indicted For It**

**S.V. Date, Huffington Post**

Candidate Donald Trump bragged that he could shoot someone on New York's Fifth Avenue and not lose any support, and now President Donald Trump's lawyer says Trump could shoot the FBI director in the Oval Office and still not be prosecuted for it. "In no case can he be subpoenaed or indicted," Rudy Giuliani told HuffPost Sunday, claiming a president's constitutional powers are that broad.

### **Trump's Lawyers, in Confidential Memo, Argue to Head Off a Historic Subpoena**

**Michael S. Schmidt et al., The Washington Post**

President Trump's lawyers have for months quietly waged a campaign to keep the special counsel from trying to force him to answer questions in the investigation into whether he obstructed justice, asserting that he cannot be compelled to testify and arguing in a confidential letter that he

could not possibly have committed obstruction because he has unfettered authority over all federal investigations. In a brash assertion of presidential power, the 20-page letter - sent to the special counsel, Robert S. Mueller III, and obtained by The New York Times - contends that the president cannot illegally obstruct any aspect of the investigation into Russia's election meddling because the Constitution empowers him to, "if he wished, terminate the inquiry, or even exercise his power to pardon."

**President Trump Orders Help For Coal And Nuclear Plants**  
**Jeff Brady, NPR News**

President Trump has ordered Energy Secretary Rick Perry to take immediate steps to help financially troubled coal and nuclear power plants. A draft plan marked "confidential" is being circulated around Washington.

**White House plans to nominate conservative documentarian, Bannon ally, to lead government media agency**  
**Hadas Gold, CNN**

President Donald Trump will nominate a conservative documentarian and Stephen Bannon ally to lead a large government agency that creates and distributes news to more than one hundred countries. Late Friday, the White House announced its intent to nominate Michael Pack, a former president of the conservative Claremont Institute, to lead the Broadcasting Board of Governors.

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## **Senate**

**Senate Republicans Are Newly Hopeful About the Midterms. For Good Reason.**  
**Jonathan Martin, The New York Times**

After a turbulent first year confronting friendly fire from President Trump, Senate Republicans are entering the summer before the midterm

elections feeling more hopeful about retaining their narrow majority than at any time since the president's election. And for good reason.

**GOP senators need an agenda - so they're doing a poll**  
**John Bresnahan and Burgess Everett, Politico**

Republican senators aren't sure what to do between now and the November election. So they're conducting a poll - of themselves.

**Jon Tester, a Democrat in Deep-Red Montana, Isn't Sweating Trump's Threats**  
**Nicholas Fandos, The New York Times**

Under a nearly cloudless sky on the sun-speckled northern prairie last Tuesday, Jon Tester, this state's senior senator, had his hands deep inside a 25-year-old grain auger. In Washington, the White House was letting it be known that President Trump was planning a summertime blitz against Democrats running for re-election in states that he had won, a tour that would surely bring him to Montana, where the president's margin was 20 percentage points.

**State GOP facing test by backing Leah Vukmir in US Senate primary**  
**Mark Sommerhauser, Wisconsin State Journal**

The Republican Party of Wisconsin is putting its organizational muscle behind its chosen candidate for U.S. Senate, Leah Vukmir, even as her well-funded GOP opponent, Kevin Nicholson, vows to prevail in the Aug. 14 primary. History suggests Nicholson, a Delafield management consultant and political newcomer, has a tough challenge to oust the party favorite in Vukmir.

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## House

**This week: GOP faces make-or-break moment on immigration**  
**Jordain Carney and Melanie Zanona, The Hill**

House Republicans are facing a make-or-break moment on immigration as they return to Washington this week. GOP members will huddle in the Capitol on Thursday for a two-hour conference meeting designed to reach a consensus on the hot-button issue.

**Majority Leader McCarthy defends Trump tariffs**  
**Jacqueline Klimas, Politico**

House Majority Leader Kevin McCarthy on Sunday defended the administration for leveraging tariffs on close allies as "standing up" for free trade. "We are in the middle of a trade discussion. Nobody wants to be in a trade war. Nobody wins a trade war," the California Republican said on CNN's "State of the Union."

**In Race to Succeed Paul Ryan, More Names Pop Up**  
**Kristina Peterson, The Wall Street Journal**

House Majority Leader Kevin McCarthy and Majority Whip Steve Scalise are the lawmakers to beat to replace the departing House Speaker Paul Ryan. But their status as the frontrunners to succeed Mr. Ryan, who plans to leave office in January, hasn't quelled chatter on Capitol Hill of who else might become a contender.

**Distillery owner Denver Riggleman wins GOP nomination to replace Garrett on Virginia congressional ticket**  
**Graham Moomaw, Richmond Times-Dispatch**

Virginia distillery owner Denver Riggleman on Saturday won the Republican nomination to replace retiring U.S. Rep. Tom Garrett, R-5th, on the ballot in November, capping a chaotic week after Garrett abruptly announced he'll step down and seek treatment for alcoholism. Riggleman, who ran a libertarian-flavored campaign for governor last year but dropped out before the GOP primary, may have saved the Republican establishment's hopes of holding the 5th District, which runs

through the middle of the state from the Northern Virginia exurbs to the North Carolina border.

### **Lujan Grisham misstated her income in 2013 financial disclosures**

**Rachana Pradhan, Politico**

Rep. Michelle Lujan Grisham earned more from her role as co-owner of the company that runs New Mexico's high-risk insurance program than she stated on her congressional financial disclosure forms for 2013, according to a review of the report and newly released tax returns. In annual financial disclosures required for members of Congress, Lujan Grisham initially reported receiving between \$50,001 and \$100,000 in dividends in 2013 from the Delta Consulting Group, which she co-founded in 2008 with a political ally who went on to get elected to the New Mexico Legislature.

### **The Battle for the House Hits the Shores of Southern California**

**Bridget Bowman, Roll Call**

The battle for control of the House has landed in California, and it's partly because of voters like Deborah and Wyatt Carr. Deborah, 69, was not registered with a party, and Wyatt, 73, was a longtime Republican.

## **States**

### **Rep. Sean Patrick Maloney poised to enter attorney general race**

**Rebecca C. Lewis, City & State New York**

Rep. Sean Patrick Maloney is "getting ready" to enter the race for New York attorney general and plans to make an announcement about it early next week. In a Friday interview with City & State, referring to being openly gay, Maloney said he hopes to "make some history" and to "build a broader consensus about positive change."

**California bans travel to another state based on its  
'discriminatory' LGBT adoption law**  
**Ryan W. Miller, USA Today**

Add Oklahoma to the list of states to which California is banning state-funded and state-sponsored travel. California Attorney General Xavier Becerra announced Friday that as a result of "discriminatory legislation" that became Oklahoma law last month, the western state will prohibit travel to its midwestern counterpart.

**Outspoken legislator Erin Maye Quade endorsed as Erin  
Murphy's running mate in governor's race**  
**Jessie Van Berkel, Star Tribune**

Minnesota DFLers wrapped up their hard-fought endorsing convention Sunday by unexpectedly backing lieutenant governor candidate Erin Maye Quade, a rookie legislator whose fight against sexual harassment and sit-in for gun control vaulted her into the spotlight. Minnesota DFLers backed Maye Quade a day after state Rep. Erin Murphy won the gubernatorial endorsement over U.S. Rep. Tim Walz in seven rounds of voting.

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## **Advocacy**

**Lobbyist Whose Wife Rented a Condo to Scott Pruitt Failed to  
Disclose E.P.A. Lobbying**  
**Eric Lipton, The New York Times**

The lobbyist whose wife rented a \$50-a-night condo to Scott Pruitt, the head of the Environmental Protection Agency, has revised his disclosure reports after his firm concluded he had not properly disclosed additional efforts to influence Mr. Pruitt and the agency - including appeals when Mr. Pruitt was living in the condo. The lobbying firm, Williams & Jensen, has refiled lobbying disclosure reports from 2017 to acknowledge that Steve Hart, the firm's former chairman, lobbied the E.P.A. on behalf of

Coca-Cola and a government board from Puerto Rico helping the island address its fiscal debts.

**Embattled Chinese Telecom Giant ZTE Hired Trump Campaign Veteran**  
**Lachlan Markay, The Daily Beast**

A day after President Donald Trump announced he would consider easing penalties against a controversial Chinese electronics company, that company enlisted a Trump campaign veteran to make its case in Washington. ZTE Corporation struck a contract with D.C. lobbying and public relations powerhouse Mercury Public Affairs on May 14, a day after Trump tweeted that he would consider lifting the penalties that had been imposed on the company as punishment for its violation of sanctions against Iran and North Korea.

**Unions Brace for Pivotal Court Decision Amid Politicking**  
**Kate Ackley, Roll Call**

In preparation for a Supreme Court decision that may deal a significant setback to public-sector unions, organized labor groups are launching new recruiting efforts as they mobilize for the midterm elections. The case - brought by Illinois state worker Mark Janus against the American Federation of State, County and Municipal Employees - challenges existing law that allows government-employee unions to collect fees from nonmembers.

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## **Opinions, Editorials and Perspectives**

**Concerned About National Security? Fund Our Schools Better**  
**Henry C. Lucas Jr., Morning Consult**

The wave of teacher strikes, from West Virginia to Colorado, has raised our awareness of how teacher pay has fallen behind the salaries of other professionals and how desperate conditions are in many schools. Some



states have cut education budgets so severely that they are spending far less in today's dollars than they were ten years ago.

**The Other China Challenge**  
**The Editorial Board, The Wall Street Journal**

While President Trump focuses on trade and North Korea, China is aggressively building military outposts beyond its borders in the South China Sea. Beijing wants to push Washington out of the Indo-Pacific, and the Trump Administration and Congress may finally be developing a serious strategy to respond.

**The Shame in Puerto Rico**  
**The Editorial Board, The New York Times**

It is eight months now since Hurricane Maria ravaged Puerto Rico, leveling 70,000 homes and leaving 3.3 million people without power or water and the health care system in tatters. By any measure, the catastrophe was on a level with Hurricanes Katrina and Sandy, two other storms that devastated large regions of America.

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## **Research Reports and Polling**

**CBS News Battleground Tracker: The House is a toss-up**  
**Anthony Salvanto et al., CBS News**

In the race for Congress, most polls report one national percentage for Democrats and Republicans. But that's not very helpful - because this is a race for seats.

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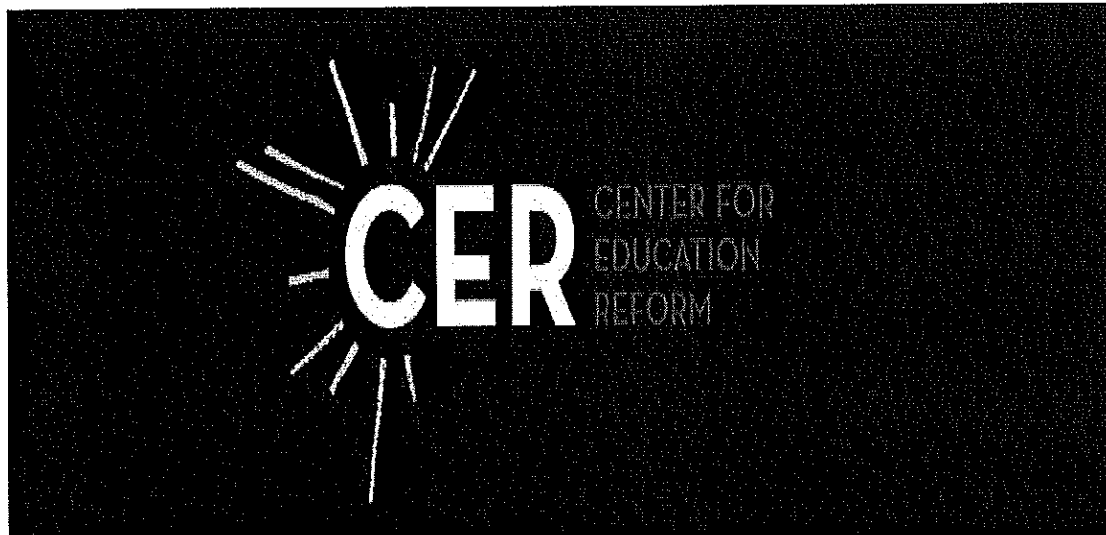


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**POLITICS AS UNUSUAL.** "A subterranean divide among Democrats between backers of teachers unions and those of charter schools and other education innovations is helping shape key gubernatorial primaries..." so reports the AP. Charter schools and edreform have long been backburner issues in political campaigns, but in some places a tipping point has been reached. In Colorado, for example, tension has been building over education for months; activists tried to forbid the group Democrats for Education Reform, which backs candidates who support innovations like charter schools and evaluations, from

using the party's name in its title. Some of this strife is being driven the teachers unions. [Read more here.](#)

**PERSONALITY POLITICS.** The *NY Times* [posits](#) that because Ed Secretary Betsy DeVos is allegedly such a polarizing figure her support for charter schools actually does more harm to the charter movement than good. "One survey of views on charter schools found... ..the president and his education secretary are so disliked by liberals that some will automatically reject whatever they endorse." While that isn't surprising, it is unfortunate and has spawned a narrative of negativity that is doing a terrible disservice to charters specifically and ed opportunities and innovations generally.

**NEW YORK POLITICS.** A *NY Post* [editorial](#) lays it on the line for NY Schools Chancellor Richard Carranza. If he truly wants to mend fences with the city's high-performing charter schools and their leaders, he can start by granting long-languishing space requests and also end an injustice that NY1 exposed this week: discrimination by the Committee on Special Education 1 against kids who attend Success Academy (it's been slow-walking requests for Success Academy students, and even unfairly denying services). [Continued...](#)

**SOMEBODY'S GOTTA STAND UP.** Last week *The Las Vegas Review-Journal* ran a piece about how Nevada's Clark County School District had created a new marketing position to sell the district's schools to parents and slow the exodus of student to charter schools. We responded with a letter to the editor, which reads in part "The [district's] goal should not be 'How do we convince families not to leave?' It should be 'How do we provide learning experiences and results that make them want to stay?' Read the letter in its entirety [here](#)."

**AND WHILE WE WE'RE AT IT.** How do we say this politely....? We've just about had it Valerie Strauss' attempts at journalism, and with the people she quotes and whose opinions she offers up as "proof" that public education is

under attack by dark forces who want to “privatize” schools. So we fired off a letter to *The Washington Post* too.

**CONFIRMATION.** One of the comments you often hear from parents who choose to send their children to charter, or private schools is the simple desire to ensure their kids are safe – which, sadly, is often not the case in the schools that many children attend. But are those desires met? According to an analysis of the second-year results of the federal evaluation of the D.C. Opportunity Scholarship Program (the federally funded scholarship program that allows low-income families in D.C. to use public education dollars to cover private-school tuition for their kids) by *The Hill*, the answer is a resounding yes! Get the facts.

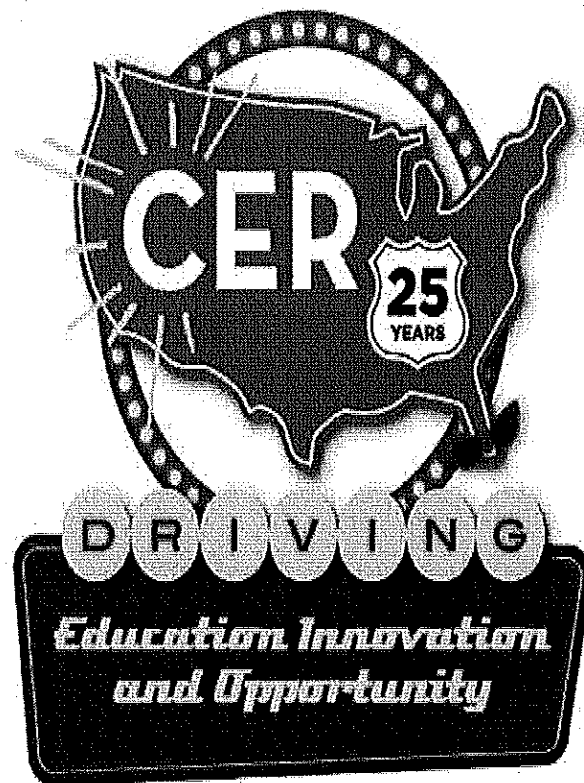
**GOOD NEWS?** Later this month the Baltimore School Board will consider applications for six new charter schools. Unfortunately, the same school board has consistently cut its budget for the city’s existing 34 charter schools (which serve about 20 percent of Charm City’s 80,600 public school students). Adding insult to injury, there’s a new funding formula that has charter schools paying the district millions of dollars for services previously covered by the school system. Nicole Harris-Crest, ED of the Maryland Alliance of Public Charter Schools, said the cuts and new rules made for a pretty tough environment for starting a charter school. “But,” she added, “it adds additional people to the movement to fight for equitable funding.” It= 2s time the state legislature or the courts step in to make to make the playing field more level for charters and traditional public schools alike.

**ON CHEERIER NOTES.** Check out these two stories on charter schools. First the CBS Morning News story on Basis Independent Silicon Valley, which has captured the top five spots on U.S. News and World Report’s list of the best high schools and where students are required to take at least seven AP courses, beginning as early as eighth grade (*and some take as many as 20*). And do yourself a favor by reading *“A change of schools changed everything”* by valedictorian of the 2018 graduating class of PACE Career

Academy in Allentown, NH. It's a great personal testament to all the things that are the foundation of innovations and opportunities that are charter schools.

**TIME FOR A REALITY CHECK.** In a lifetime of amassing experiences and diverse avenues of success, Bill Walton, founder and chairman of the private equity firm Rappahannock Ventures, has been driven by one defining theme, "I've always been interested in the barriers to change." A lifelong learner, Bill is an entrepreneur, education reformer, supporter of the arts, and is a feature film and documentary producer. Bill and his wife Sarah developed an entire French and Spanish language curriculum, Language Odyssey. Since then, he has been passionate in the belief that, "A free market in education rather than government-run schools is the ideal system for every child to flourish in." Listen online at <https://www.edreform.com/realitycheck/>.

**TICK-TOCK.** The clock's winding down, and decisions are being handed down, as the end of this session of the Supreme Court draws to a close. Before it's all over there'll be a decision on Janus v. AFSCME which, if it goes as anticipated (in favor of Janus) will have a huge impact on the power of the teacher's union. For all the latest news, and up-to-the-minute comment, visit [edreform.com](http://edreform.com) or go to <https://standwithworkers.org/>.

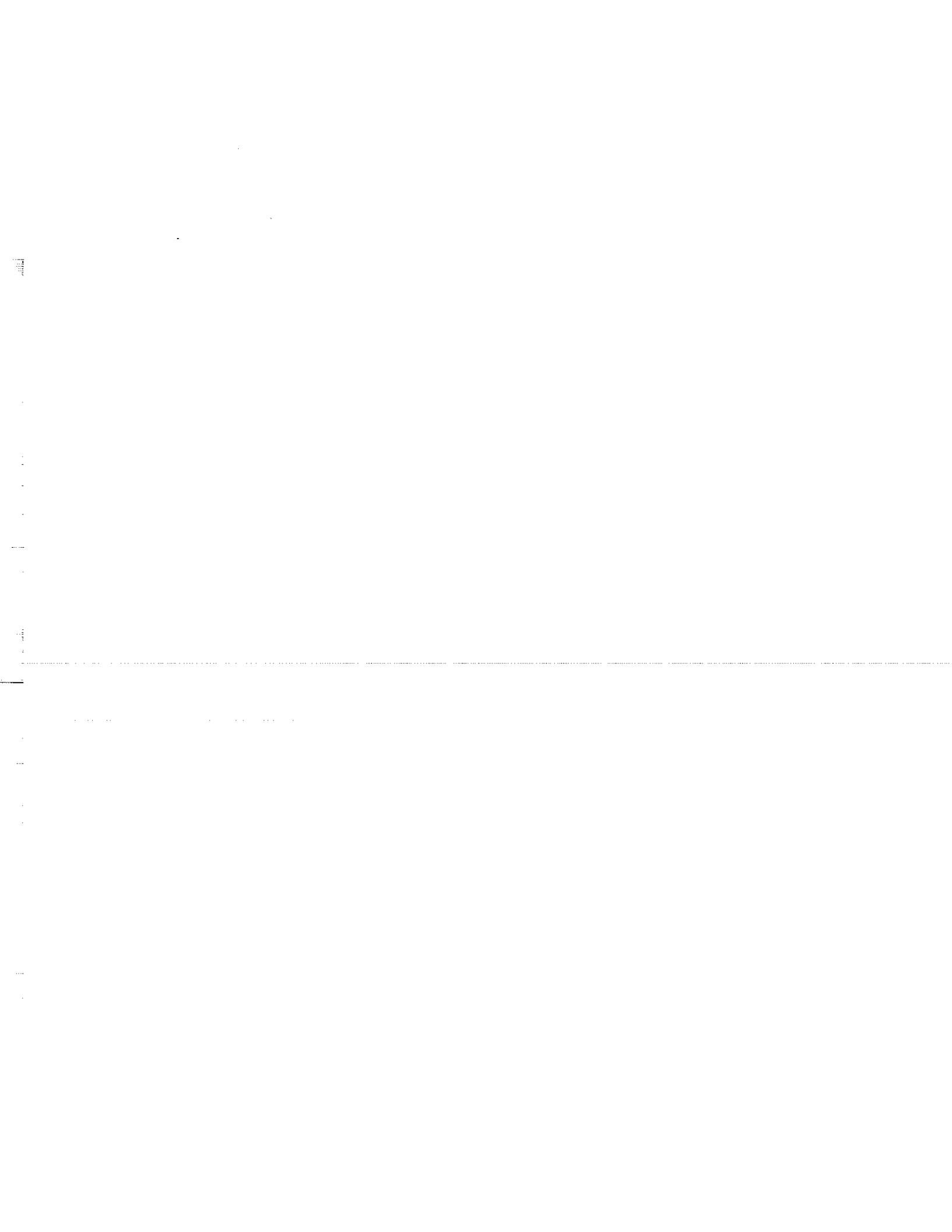


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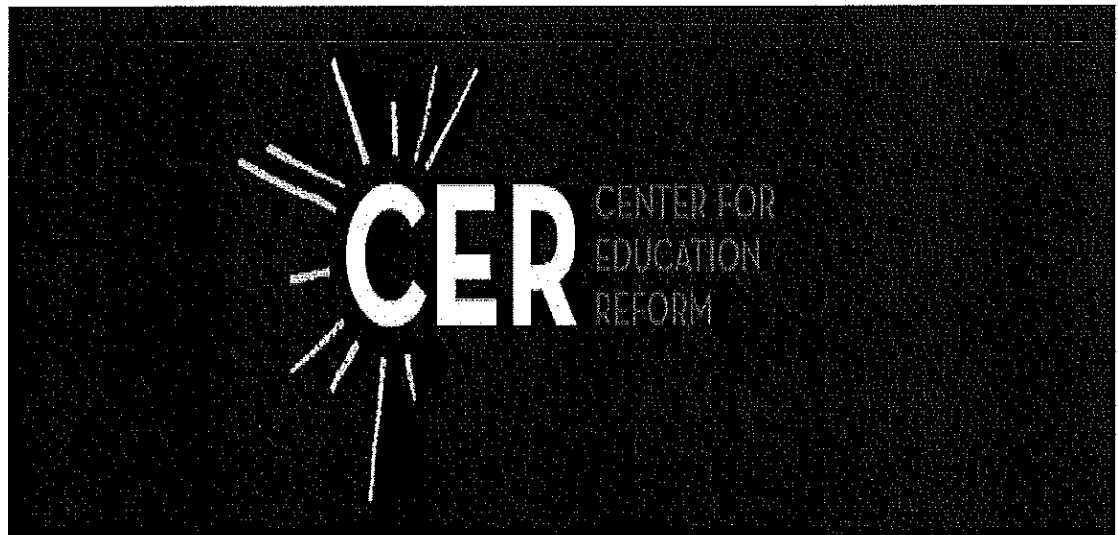
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**COUNTDOWN TO CER'S 25TH ANNIVERSARY SUMMIT...** it may seem early, but October will be here before you know it, so make your plans now to join CER on October 25-26 in Miami for its Silver Anniversary Summit & Celebration *"The Road to Innovation for ONE America."* One of the features of the gathering will be our honoring of some of the pioneers of the education reform movement who will be on hand for the event, including Tommy Thompson. As Wisconsin's governor (from 1987-2001) Thompson was one of first high-profile champions of education reform pushing for the creation of the country's first parental school-choice program, which provided Milwaukee families with a voucher to send children to the private or public school of their

choice. He did other great things as governor, too (e.g. welfare reform), and went on to build a remarkable career of public service, including a stint as Secretary of Health and Human Services under George W. Bush, but he'll always be tops in our book for his commitment to, and success in, achieving substantive education reform.

**MEANWHILE BACK AT THE RANCH...** Last Sunday night NBC News aired a charter school story that argues charters are increasingly geared to support "white flight." If the claims weren't so outlandish and unfounded, it would be laughable. The producer, who was incredibly open to receiving information countering these allegations, based his report on an analysis performed by the Hechinger Report. In one of the documents CER supplied, we demonstrated Hechinger's bias against charter schools, as well as the folly of the argument. [Read more...](#)

**A DOUBLE DOSE OF REALITY...** This week Jeanne Allen interviewed [Erica Komisar](#), author of "Being There: Why Prioritizing Motherhood in the First Three Years Matters." Based on more than two decades of clinical work and breakthrough neurobiological research on caregiving, attachment and brain development, her book challenges established concepts (and myths) of infant resiliency, 'having it all' and even the definition of feminism. One thing this book is not about is quitting your job. "It's not about working vs. not working – it's really a book about more is more." Also on Reality Check, an attorney for Mark Janus from the [Liberty Justice Center](#) shares his thoughts on the likely outcome of the high court's pending decision.

Find the podcasts at [edreform.com/realitycheck](http://edreform.com/realitycheck) and on [National Review](#).

**WHEN IT RAINS IT POURS...** Just as the AFT and NEA are bracing for the ruling from SCOTUS in the Janus v. AFSCME case, [teachers in New York state have filed a class-action suit](#) claiming (correctly, we might add) that they are being illegally forced to cough up union dues even if they're not union members. This is in response to NY's new law, signed by Gov. Andrew Cuomo

last April, mandating that all teachers pay a New York State United Teachers "agency fee" regardless of their membership status. Supporters say all teachers benefit from pay hikes and perks secured by the union and should subsidize those efforts. In a suit filed Thursday the two teachers who brought the case say (correctly, we might add) that they oppose "NYSUT's political advocacy and collective bargaining activities" and shouldn't have to fund them. Yep.

### **In Other News...**

**MORE THAN REASONABLE...** The Reason Foundation has put out a great piece on school funding. Although titled "Five Recommendations to Solve LAUSD's Looming Fiscal Crisis" its applicable, in parts or in whole, to school funding crises around the country and is worth the read.

**SUNSHINE STATE SUCCESS...** Former Florida Senate Education Chairman, John Legg, recently summed up Florida's great, new K-12 scholarship program. "... [it] is conceptually reminiscent of the free tutoring programs developed by bipartisan education advocates under the federal No Child Left Behind Act. This scholarship is driven by the educational principle that children must learn to read so they can then read to learn." Notably the program doesn't try to simply thread more money into district elementary reading budgets but instead provides a reading scholarship, which gives parents the decision on how to spend it. And why is that a better approach, Legg was asked: "The parent is the most influential person in the child's life."

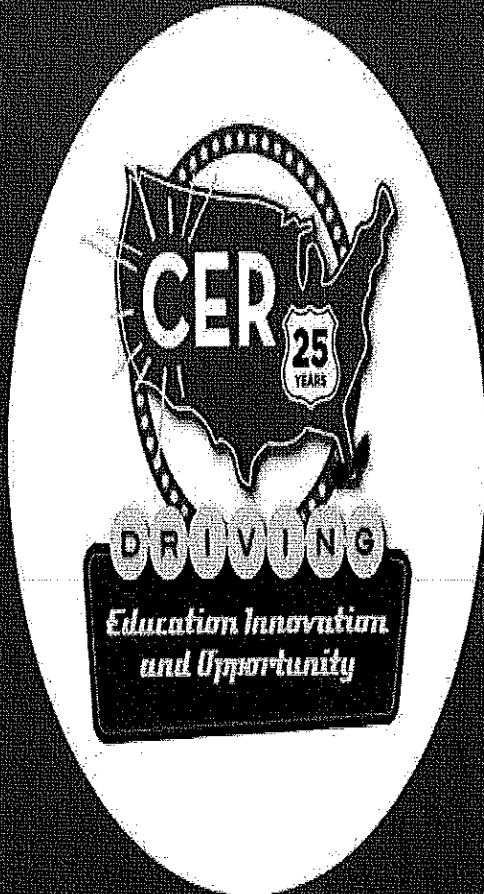
**A PROGRESSIVE POINT OF VIEW...** Also of note this week, a passionate op-ed on educational opportunity for all, titled "Progressive, affluent parents who send their kids to good= schools shouldn't deny others that right." An excerpt: "Simply put, I'm a progressive. So it troubles me deeply to hear self-styled progressives attack educational options that other parents choose for their children. Worse, these attacks on the educational choices that lower-income parents and parents of children with special needs make almost always

come from progressives of higher means. We have a recommendation for that: Check your privilege. I support educational choice for all. Educational options have existed for the wealthy for as long as anyone can remember. What's controversial is when we suggest that those same options should be open to everyone." Amen.

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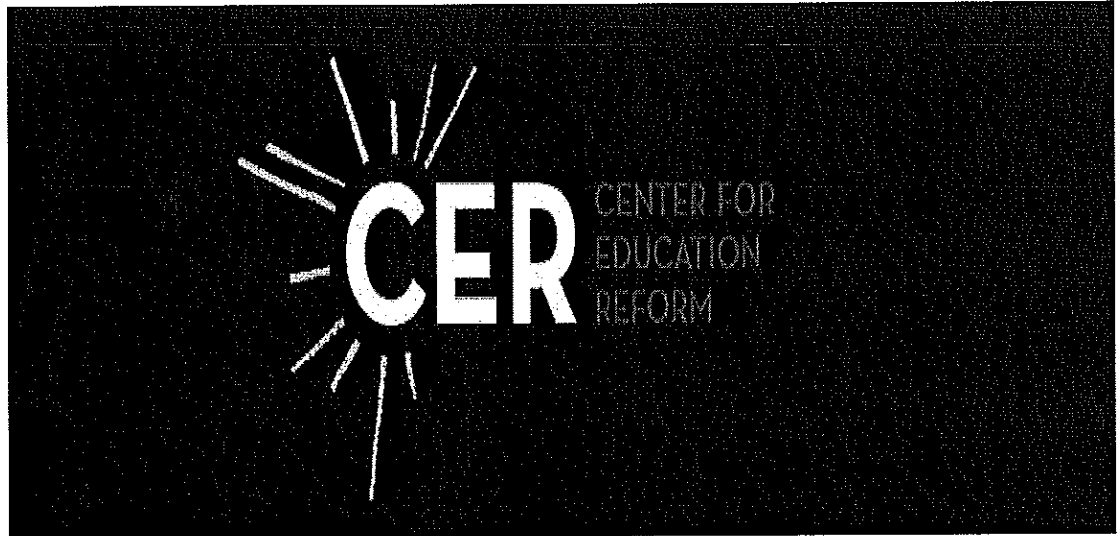
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**AND THE HITS JUST KEEP ON COMIN'.** As the unions anxiously await the Supreme Court's decision on *Janus*, the lawsuits keep piling up in lower courts around the country, this time in the U.S. District Court in Camden, NJ where a South Jersey teacher who doesn't want anything to do with the state's largest teachers' union has filed suit saying she shouldn't be forced to "subsidize" the New Jersey Education Association and its activities, arguing that her constitutional rights are being violated by forcing her to pay 'representation fees' as a condition of her employment as a public school teacher "even though Ms. Smith refused to join the teachers' union and does not wish to subsidize the union's activities."



*Question.:* **HOW DO YOU REINVIGORATE THE ECONOMY IN RURAL AMERICA?** *Answer:* **EDUCATION.** When we improve schools, we improve communities. And while multiple efforts exist across the U.S., rural education has been left out of many modern reforms and innovations. CER's been working on this question for a while now, and have settled on one county on the coastal plain of North Carolina to develop our pilot rural education initiative. Earlier this month, we brought together some of our friends in philanthropy, business, policy and EdTech at UNC to talk about the blue sky of what is possible in Robeson County if we break down the silos between K12, higher ed and career and all work together to leverage our unique talents. The result? A shared vision and a broad plan for implementation.

**AND WHILE WE'RE ON THE SUBJECT OF EDUCATION IN RURAL AMERICA...** "Schools closed. Forever. What happens to a rural town after it loses its only school?" is a somber NY Times feature on the plight of rural schools and points to the desperate need for solutions to this growing national problem.

**OPPORTUNITY ABOUNDS.** Florida Governor Rick Scott paid a recent visit to Puerto Rico (his seventh since Hurricane Maria) and told Puerto Rico Governor Ricardo Rosselló the island has "an unbelievable opportunity to change the island for the better." At the top of Rosselló's opportunity agenda: education reform — adding charter schools, better leadership and a school voucher program. And with plans for a modernized energy grid and rebuilt infrastructure you can add innovations in education to the plan.

**WHAT DO STUDENTS WANT?** According to an annual survey by the Washington-D.C.-based College Savings Foundation the majority of high school students who will be entering college over the next three years would like to see more colleges promote education and skills training rather than only offering majors for future employment: 81 percent would like to see colleges offer skills instead of majors; 70 percent would prefer to go to that school; and

63 percent said their career plans were affecting their school choice. According to the foundation for the past four years, the number of students embracing skills-based education has been growing. This year, 36 percent have their sights set on attending a technical school; 28 percent are headed to community college; and 8 percent will attend a vocational school. "Looking at our survey from 2015 to 2018, the number of students planning on going to community college has increased 9 percent," D said the foundation's chair.

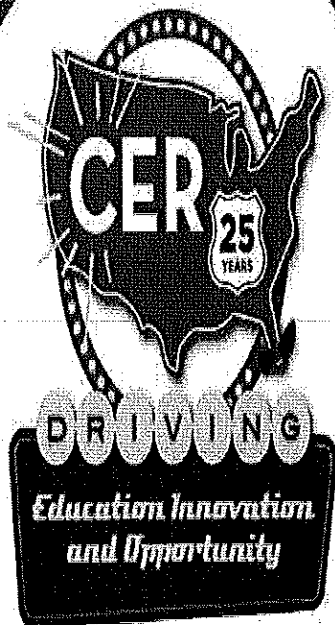
**A MATCH MADE IN HEAVEN.** An informative and well-reasoned argument in favor of the president's proposed merger of the Departments of Education and Labor by the founder and director Georgetown University Center on Education and the Workforce, Anthony Carnevale.

*"[When] the Education Department was created...two-thirds of jobs required no more than a high school education. Remarkably, 30 percent of good jobs were held by high school dropouts. Now, 55 percent of good jobs require at least a bachelor's degree... There was a time, perhaps, when these departments could stand apart. But no more. At their core, both share the same goal: to create fully functional adults. In a capitalist economy, that means you have to have a job. And in today's world, to get a good job, you need an education... With this combined department, we have an opportunity to realize that education and jobs are inextricably linked."*

**REALITY CHECK W/JEANNE ALLEN.** Many passionate ed reformers and teachers in general come to the profession from other walks of life or different training but Beth Anderson but has been a teacher since 1991 (beginning her career as a Teach for America instructor teaching bilingual kindergartners in LA). Today, she is CEO of the successful and continually innovative Phoenix Charter Academy Network of schools that challenges students with rigorous academics and relentless support. Listen in!

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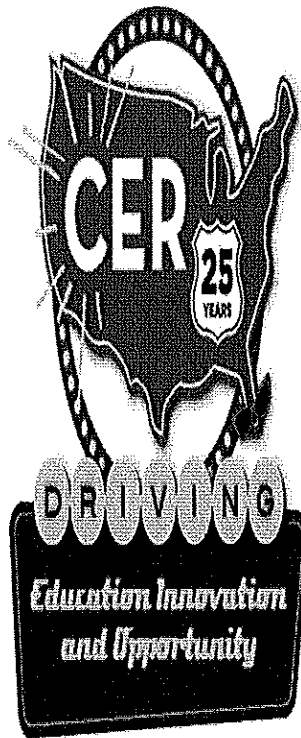
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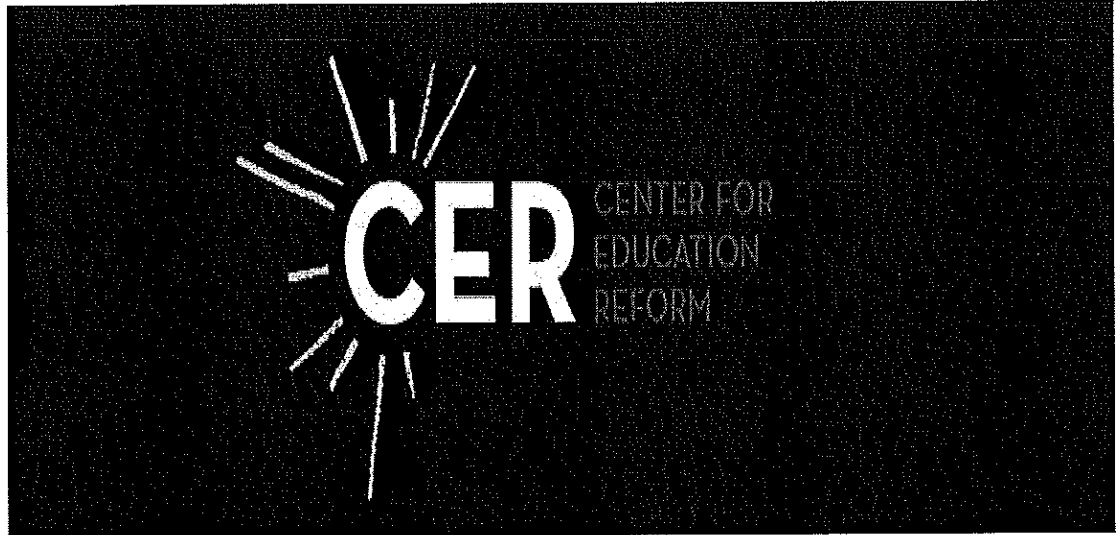
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**FOR IMMEDIATE RELEASE**

June 21, 2018

**CONTACT:** Mary Riner

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## U.S. Supreme Court Rules in favor of Mark Janus in *Janus v. AFSCME*

### **Statement by Jeanne Allen, Founder & CEO**

It's a great day in Washington, DC! The high court's decision strikes a blow for the freedom guaranteed to individuals under the constitution. No citizen of the United States can be compelled to support speech that he or she does not believe in or endorse, and by upholding that constitutional protection, the court has affirmed a critical principle of freedom.

This is good news for the nation, for thousands of educators who have long been exploited by the teachers unions, and for families whose educational opportunities have been compromised by their political activity. When it comes to education, the most fundamental of all policies that shape our futures, no longer can the union compel people to support activities and positions regardless of principle.

Education in America is in the midst of a major transformation, which is struggling to realize its full potential in the face of limiting contractual and oppositional forces. From apathy to lack of knowledge to deliberate impediments created by unions, these obstacles have kept education from advancing into 21st century.

Kudos to the Court, to Mark Janus, to Rebecca Friedrichs who began the journey before him, and to all who are engaged in the fight for liberty and justice.

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*particularly our youth ~~to~~ ensuring that conditions are ripe for innovation, freedom  
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**To:** Rep30

**Subject:** BREAKING: High Court Rules Against Unions In Battle Over Public Worker Fees



Wednesday, June 27, 2018



**BREAKING: High Court Rules Against Unions In Battle Over Public Worker Fees**

The U.S. Supreme Court on Wednesday held that public-sector workers who aren't union members can't be forced to pay "agency fees" that cover the cost of collective bargaining, overturning 41-year-old precedent that found those fees constitutional and dealing a financial blow to organized labor.

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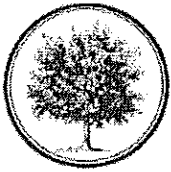
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Decision a Victory for Workers and First Amendment



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June 27, 2018

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**The Buckeye Institute's President and CEO Robert Alt:  
*Janus v. AFSCME* Decision a Victory for Workers and First Amendment**

**Columbus, OH --** Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement on the U.S. Supreme Court's decision in *Janus v. AFSCME*.

"The Supreme Court today in *Janus v. AFSCME* announced its basic rule of human decency and common sense: consent matters-and our hardworking public-sector workers can no longer be forced to pay for political speech or other activities without their affirmative consent."

The Buckeye Institute also announced the launch of its **WorkersChoose.org** website to assist public-sector workers with information about how to notify their unions about whether they would like to consent or not.

###

**Related Content:**

**Robert Alt Statement Following Oral Arguments in *Janus v. AFSCME*, February 26, 2018**

**The Money Behind Janus: It's Deja vu All Over Again, By Robert Alt, *National Review*, February 26, 2018**

**Robert Alt Statement: Unions Should Rally Behind the First Amendment Rights of All Public Employees, February 24, 2018**

**The Buckeye Institute Files Amicus Brief in Janus Case, December 6, 2017**

**It's Time for Public Sector Workers to be Given a Voice and Choice, By Robert Alt, *Forbes*, November 27, 2017**

**Supreme Court Takes Up *Janus v. AFSCME*, September 28, 2017**

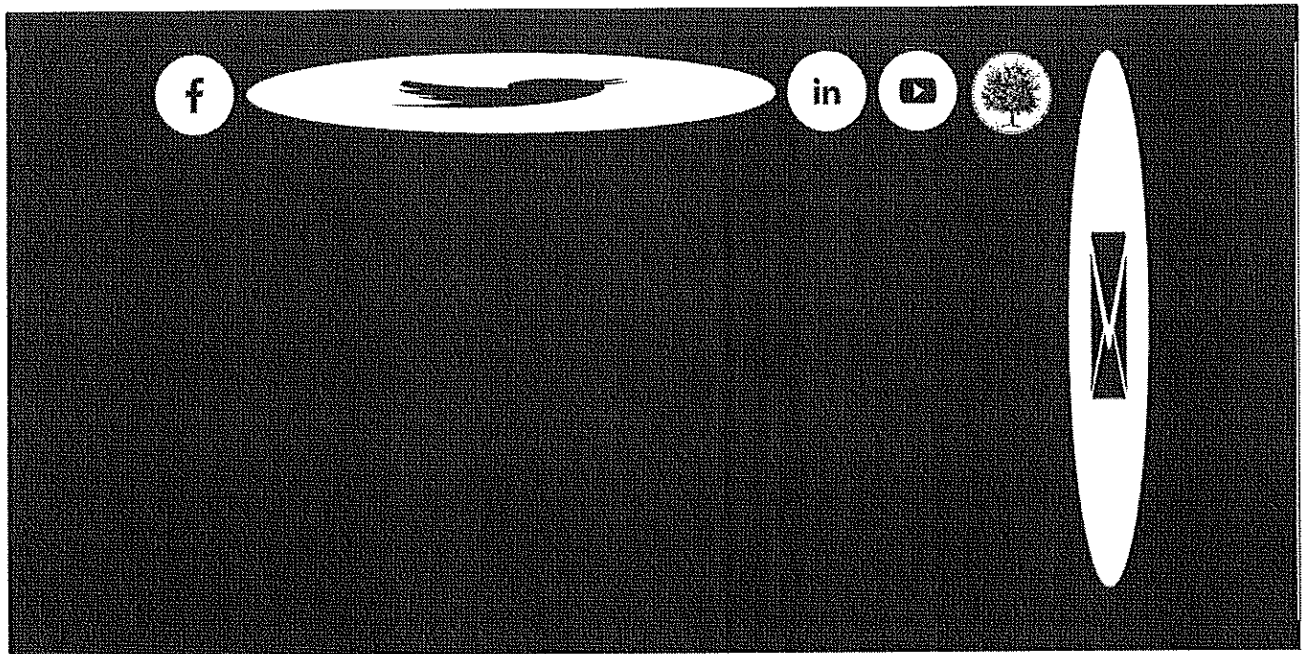
**The Buckeye Institute Files Amicus Brief in *Janus v. AFSCME* Supporting Free Speech, July 20, 2017**

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Thursday, June 28, 2018



## KENNEDY RETIRES

### Feature

#### **When Partisan Passion Raged, Kennedy Was The Vote To Get**

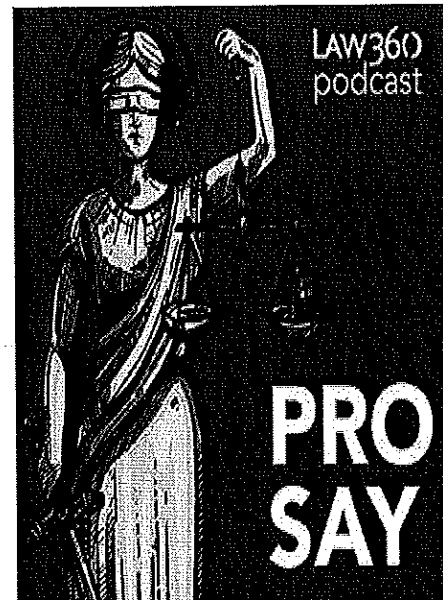
Throughout his three-decade run on the U.S. Supreme Court, Associate Justice Anthony Kennedy leveraged his precious swing vote to forge robust legacies in free speech, LGBT rights and capital punishment, clerks and court watchers told Law360 after the justice announced his retirement Wednesday. [Read more »](#)

#### **Justice Kennedy's Retirement To Upset High Court Balance**

Associate Justice Anthony Kennedy, 81, the U.S. Supreme Court's most senior member, is stepping down from the bench, the court announced Wednesday. His retirement will hand President Donald Trump the chance to replace a crucial swing vote and shift the ideological balance of the court to the right. [Read more »](#)

#### **GOP Kicks Off Race To Confirm Kennedy Replacement**

Supreme Court Justice Anthony Kennedy's retirement announcement Wednesday echoed like a starting gun in the Senate, setting off a sprint from Senate Republicans who said they



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plan on having his replacement confirmed before the fall elections. [Read more »](#)

#### Analysis

### **Life After Kennedy: 1 Big Question, 6 Judges To Watch**

President Donald Trump made it clear Wednesday that the world already knows the name of the person he is going to nominate to replace retiring Associate Justice Anthony M. Kennedy. The question is, which name will it be? [Read more »](#)

#### Analysis

### **From Iqbal To Citizens United: Kennedy's Biggest Decisions**

In his three decades on the high court, Justice Anthony Kennedy authored opinions that changed the rules for federal civil litigation, opened the floodgates for corporations and unions to fund campaign advertisements, and reshaped the legal landscape for women and same-sex couples. [Read more »](#)

### **'Goodbye, Tony!' Justices Bid Farewell To Kennedy**

As U.S. Supreme Court Justice Anthony Kennedy prepares to step down after three decades on the bench, his colleagues stepped forward to share stories about the man they know as "Tony," describing a thoughtful coworker who built enduring friendships and made a lasting mark on the legal landscape. [Read more »](#)

#### TOP NEWS

### **Justices Rule Against Unions In Public Worker Fees Fight**

The U.S. Supreme Court on Wednesday held that public-sector workers who aren't union members can't be forced to pay "agency fees" that cover the cost of collective bargaining, overturning 41-year-old precedent that found those fees constitutional and dealing a financial blow to organized labor. [Read more »](#)

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American Civil Liberties Union

## **Supreme Court Backs Fla. In Water Fight With Ga.**

The U.S. Supreme Court on Wednesday rejected a special master's report that denied Florida's request to cap Georgia's water usage from a Southeastern river basin, ruling that Florida had sufficiently shown that a remedy is possible and sending the case back to the special master [Read more »](#)

## **EPA Moves Toward Limiting CWA Permit Veto Powers**

The U.S. Environmental Protection Agency announced on Wednesday that Administrator Scott Pruitt wants to do away with the agency's power to veto at any time permits allowing waste from mining and infrastructure projects to be dumped into waters of the United States, including wetlands. [Read more »](#)

## **Full 7th Circ. Pauses Nationwide Ruling In Sanctuary Row**

The full Seventh Circuit on Tuesday paused the nationwide impact of a lower court's order temporarily barring the Trump administration from withholding public safety funds from so-called sanctuary cities, limiting the order to the city of Chicago. [Read more »](#)

## **Judges' Back Pay Win Affirmed By Calif. Appeals Court**

A California judge was acting within his authority when he ordered the Golden State's government to make \$36 million worth of back wage and pension payments to a class of current and former judges, a state appeals court ruled Tuesday. [Read more »](#)

## **BANKING & SECURITIES**

### **SEC Seeks Comment On Cboe Rule Change For Bitcoin ETF**

The U.S. Securities and Exchange Commission is seeking public comment on a proposed rule change by Cboe BZX Exchange Inc. to list an exchange-traded fund physically

American Federation of State,  
County and Municipal Employees  
American Immigration Council  
Arkema SA  
CBS Corporation  
Cato Institute  
Comcast Corporation  
Consumer Reports  
Entercom Communications Corp.  
Entercom Communications  
Corporation  
Expedia Inc.  
Facebook  
Federalist Society  
Financial Industry Regulatory  
Authority Inc.  
First Quantum Minerals  
Google Inc.  
Instagram Inc.  
Intel Corp.  
Kids in Need of Defense  
Lambda Legal Defense &  
Educational Fund  
LinkedIn Corp.  
Lockheed Martin Corp.  
Lyft Inc.  
McDonald's Corporation  
Microsoft Corporation  
National Right to Work Legal  
Defense Foundation  
Natural Resources Defense  
Council  
Netflix Inc.  
Northern Dynasty Minerals Ltd.  
Planned Parenthood Federation  
Public Company Accounting  
Oversight Board  
Public Knowledge  
Sompo International Holdings Ltd.  
Southern Poverty Law Center

backed by bitcoin that would cost about \$200,000 per share, according to a notice Tuesday. [Read more »](#)

## ENERGY & ENVIRONMENTAL

### **NRDC, States Fight EPA Rollback Of Hydrofluorocarbons Rule**

The Natural Resources Defense Council and a coalition of attorneys general and state agencies launched D.C. Circuit challenges on Tuesday to the U.S. Environmental Protection Agency's rollback of Obama-era limits on hydrofluorocarbons, which are used in products like spray cans, air conditioners and refrigerators. [Read more »](#)

## HEALTH & LIFE SCIENCES

### **GAO Says It Lacks Info To Finish Probe Into Zinke's Calls**

The U.S. Government Accountability Office on Wednesday said it cannot determine whether allegedly threatening phone calls U.S. Department of the Interior Secretary Ryan Zinke made to Alaska senators over a health care bill flouted an anti-lobbying rule because the department has refused to give it information about the substance of the calls. [Read more »](#)

## CYBERSECURITY & PRIVACY

### **Cybersecurity On The Hill: ZTE, Bots And The OPM Breach**

Cybersecurity issues were the focus of legislators from both sides of the aisle this week: President Trump was urged to reinstate the sanctions against ZTE Corp., a bill regulating social media bots was introduced in the Senate, and a congressman sought more information on the U.S. Office of Personnel Management breach. [Read more »](#)

### **Calif. Internet Privacy Bill Heads To Vote As Cos. Back Off**

T-Mobile USA Inc.  
TechFreedom  
Texas RioGrande Legal Aid Inc.  
Twitter Inc.  
U.S. Chamber of Commerce  
Verizon Communications Inc.  
Washington Post Co.  
ZTE Corp.  
Zillow Inc.  
eBay Inc.

## GOVERNMENT AGENCIES

Army Corps of Engineers  
California Attorney General's Office  
Congressional Research Service  
Department of Commerce  
Equal Employment Opportunity Commission  
European Union  
Executive Office of the President  
Federal Communications Commission  
Federal Deposit Insurance Corp.  
Federal Election Commission  
Federal Reserve System  
Federal Trade Commission  
Florida Department of Environmental Protection  
Government Accountability Office  
Internal Revenue Service  
International Trade Commission  
NATO  
National Railroad Passenger Corporation  
New York Attorney General's Office  
Occupational Safety and Health Administration  
Office of the Comptroller of the Currency



California lawmakers are barreling toward a Thursday vote on proposed internet privacy legislation that would head off a sweeping ballot initiative to give consumers more insight into and control over how companies are collecting and sharing their personal data, a move that a major internet industry group has decided not to block. [Read more »](#)

## MEDICAL MALPRACTICE

### **Rutgers Doc Escapes Med Mal Suit Over Absent Claim Notice**

The New Jersey Appellate Division ruled Wednesday that a woman cannot revive her medical malpractice action against a doctor working for Rutgers University, because she did not file a tort claim notice after the physician "unequivocally disclosed" that he was a state employee entitled to such notification. [Read more »](#)

## AEROSPACE & DEFENSE

### **US State Dept. Official Threatens Turkey With F-35 Cutoff**

A U.S. Department of State official warned that if Turkey goes ahead with the planned purchase of a missile defense system from Russia, Turkey will risk losing access to U.S.-made military technology, including the F-35 fighter jet. [Read more »](#)

## INTERNATIONAL TRADE

### **Steel Users Aim To Wipe Out Security-Based Tariffs**

A coalition of steel users filed a sweeping legal challenge to the Trump administration's 25 percent steel tariff at the U.S. Court of International Trade on Wednesday, arguing that the Cold War-era national security law used to implement the levy is unconstitutional. [Read more »](#)

Pennsylvania Department of  
Environmental Protection  
Securities and Exchange  
Commission  
U.S. Army  
U.S. Customs and Border  
Protection  
U.S. Department of Health and  
Human Services  
U.S. Department of Justice  
U.S. Department of State  
U.S. Department of the Interior  
U.S. Environmental Protection  
Agency  
U.S. House of Representatives  
U.S. Immigration and Customs  
Enforcement  
U.S. Office of Personnel  
Management  
U.S. Supreme Court  
U.S. Tax Court

## **GOP Sens. Stymied In Attempt At Trump Tariff Rollbacks**

A pair of Republican senators launched an ultimately failed attempt Wednesday to have the Senate vote on a measure that would place restrictions on President Donald Trump's ability to impose national security tariffs, arguing that he has gone too far in placing duties on American allies. [Read more »](#)

## **TAX**

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### **Sen. Plans To Ask IRS Nominee About Pass-Through Break**

During the Senate Finance Committee's confirmation hearing Thursday for the potential future commissioner of the Internal Revenue Service, at least one senator will focus his questions on the new federal tax law's pass-through provision. [Read more »](#)

## **IMMIGRATION**

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### **Advocates File FOIA Suit Over Family Separation Information**

Immigrant advocates filed a suit against the Trump administration Wednesday in Washington, D.C., federal court seeking to compel the government to respond to its Freedom of Information Act requests for information regarding family separation policies, guidance and data. [Read more »](#)

### **Trump Tweet Not Enough To Save GOP Immigration Bill**

An all-caps supportive tweet by President Donald Trump on Wednesday was not enough to save immigration legislation pushed by Republicans that would have provided a path to citizenship for Deferred Action for Childhood Arrivals program participants, amended immigration regulations and funded the border wall sought by the president. [Read more »](#)

## **NATIVE AMERICAN**

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## **Gov't Vow To Separated Parents Enough For Now, Judge Says**

A Trump administration promise to put three undocumented immigrants separated from their children at the border in touch with case managers was enough Wednesday for a D.C. federal judge not to immediately order the government to provide the parents details on the children's welfare and an expected date of reunification. [Read more »](#)

## **TELECOMMUNICATIONS**

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### **Senate Committee Passes Geoffrey Starks' FCC Nomination**

The Senate Committee on Commerce, Science and Transportation on Wednesday sent the nomination of current Federal Communications Commission official Geoffrey Starks to serve as an FCC commissioner to the Senate floor for consideration. [Read more »](#)

### **FCC Tosses News Distortion Claim In CBS Merger Dispute**

The Federal Communications Commission rejected a challenge to Entercom Communications Corp.'s \$1.6 billion merger with CBS Radio Inc. on Tuesday from a pair of petitioners who alleged CBS' television stations engaged in "intentional news distortion" that called into question the company's "basic character qualifications" to hold an FCC license. [Read more »](#)

### **Sprint-T-Mobile Merger Will Multiply 5G Supply, Senate Told**

Sprint and T-Mobile's top brass defended the benefits of their proposed merger before a Senate subcommittee on Wednesday, arguing that the companies' combination would not present anti-competitive challenges because together they will create more fifth-generation technology market share for everyone. [Read more »](#)

## **Alaska Gov. Won't Take Executive Action On Net Neutrality**

Alaska's governor told state lawmakers last week that he won't take executive action to implement net neutrality rules after the Federal Communications Commission's repeal took affect earlier this month, saying instead he'd work with private companies like Microsoft to overcome the rural state's internet infrastructure challenges. [Read more »](#)

## **FEC Considers New Rules For Online Political Ad Disclosure**

The Federal Elections Commission on Wednesday began two days of hearings on proposed changes to rules governing political ads on the internet, as the commission looks to improve transparency and clear up questions about disclosure requirements for the ads. [Read more »](#)

## **EXPERT ANALYSIS**

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### **Series**

### **From Lawmaker To Lawyer: How Congress Affected My Career**

Being a former member of Congress put me in an advantageous position when I approached law firms in the late '70s, at a time when there were few female lawyers, and even fewer African-American lawyers, in major law firms, says former Rep. Yvonne B. Burke, D-Calif., a director of Amtrak. [Read more »](#)

### **How Cakeshop Gives Religious Objectors Legal Ammunition**

The U.S. Supreme Court's recent decision in Masterpiece Cakeshop v. Colorado Civil Rights Commission has been framed as much ado about nothing. But how the Supreme Court reached its result hands religious objectors a huge win in the form of potent ammunition for future legal fights, says Jesse Ryan Loffler of Cozen O'Connor. [Read more »](#)

## **SEC Administrative Proceedings After Lucia**

Because of the U.S. Supreme Court's decision in *Lucia*, the U.S. Securities and Exchange Commission will have to redo a series of administrative cases, potentially straining resources and possibly prompting the agency to tap new administrative law judges, says Daniel Walfish of Walfish & Fissell LLP. [Read more »](#)

## **Civil Forfeiture Abuse Is A Challenge To Civil Rights**

Last month, Rustem Kazazi filed a lawsuit in federal court against U.S. Customs and Border Protection for seizing \$58,000 from him at an airport without charging him with a single criminal offense. The seize-first, investigate-later civil forfeiture regime now prevailing in the United States recalls the British crown's abusive tactics that helped spark the Revolutionary War, says Alexander Klein of Barket Epstein & Kearon LLP. [Read more »](#)

## **Are OCC's Reserve-Based Lending Guidelines Enforceable?**

Following the Government Accountability Office's determination that the Interagency Guidance on Leveraged Lending did not comply with the Congressional Review Act, it would appear that the binding nature of the Office of the Comptroller of the Currency's handbook for oil and gas reserve-based loans should be similarly questioned, says Buddy Clark of Haynes and Boone LLP. [Read more »](#)

## **Limiting Law Firms' Professional Liability Risks: Part 1**

Corporate law departments are increasingly demanding more concessions from outside legal counsel, and presenting engagement letters that open the door to greater professional and cyber liability exposure for law firms — often beyond the scope of their insurance coverage. Firms must add their own language to engagement letters to limit liability,

say Stuart Pattison and John Muller of Somp International Holdings Ltd [Read more »](#)

## LEGAL INDUSTRY

### **MoFo Hops On Associate Raise Train**

Morrison & Foerster LLP joined the growing roster of law firms that have raised associate salaries and sweetened their paychecks with summer bonuses, according to an internal memo made public on Tuesday. [Read more »](#)

### **This BigLaw Firm Retakes Title Of Best To Work For**

One firm was named the best law firm to work for after dominating Vault.com's quality of life rankings, the website said Wednesday, retaking the top spot after stepping down the podium to No. 3 last year. [Read more »](#)

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Company Confidential  
New York, New York

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**From:** Morning Consult  
**Sent:** Thursday, June 28, 2018 8:17 AM  
**To:** Rep30  
**Subject:** Morning Consult Washington: Vulnerable Senate Democrats Under Pressure on Kennedy Seat

# WASHINGTON

By Eli Yokley

## Top Stories

- Republicans are ramping up the pressure on red-state Democrats up for re-election this year, daring them to oppose President Donald Trump's eventual nominee to replace Supreme Court Justice Anthony Kennedy when he retires in July. Senate Majority Leader Mitch McConnell (R-Ky.) said yesterday that the Senate will confirm Kennedy's successor this fall. (The New York Times)
- Christopher Wray, the Federal Bureau of Investigation director, and Deputy Attorney General Rod Rosenstein are set to testify before the House Judiciary Committee today about by the Department of Justice's inspector general report that allies of President Donald Trump claim proves bias in the bureau's Russia investigation. Their visit comes after Peter Strzok, a senior FBI agent who wrote text messages criticizing Trump during the 2016

campaign, was questioned in a closed-door session Wednesday. (Los Angeles Times)

- Trump campaigned last night in Fargo, N.D., where he urged voters to fire Sen. Heidi Heitkamp (D), who he's praised in the past, in November. In his remarks, Trump criticized House Democratic Caucus Chairman Joe Crowley, who lost his primary in New York Tuesday night and said he was happy House Minority Leader Nancy Pelosi and California Rep. Maxine Waters would remain the faces of the Democratic Party heading into the midterms. (The Associated Press)

## Chart Review

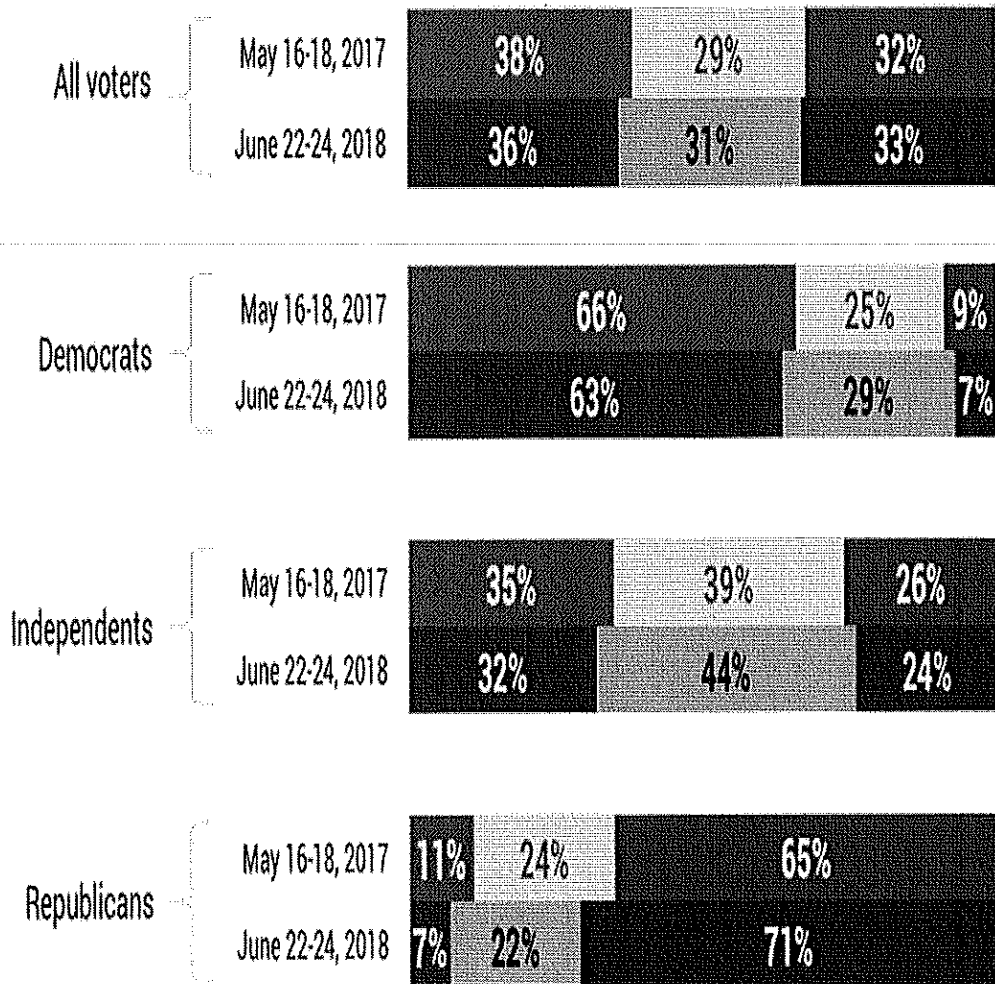
**Republicans More Likely Than Before to Trust Trump Over Political Media**  
**Morning Consult**



# Trump or the Media? Voters' Trust Still Depends on Their Party

Who do you trust more to tell the truth?

■ The national media ■ Don't know/No opinion ■ President Trump's White House



## Events Calendar (All Times Local)

### THURSDAY

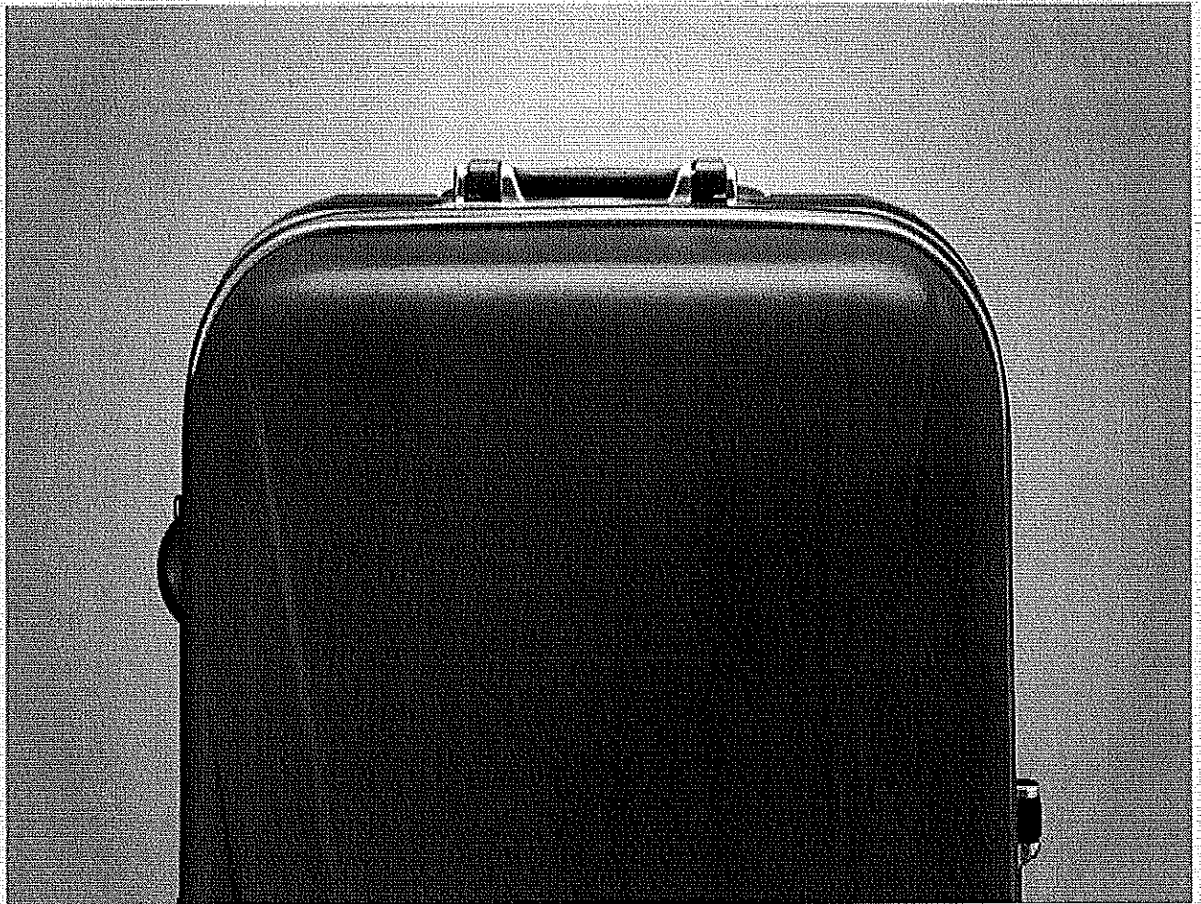
George Mason University the Federalist Society host National Security Symposium 9:30 a.m.

DAG Rosenstein, FBI Director Wray testify at House Judiciary Committee 9:30 a.m.

Senate Judiciary Committee hearing on judicial nominations 10 a.m.

### FRIDAY

No events scheduled



## **Report: The State of American Travel 2018**

Consumer insights on vacationing, transportation, and accommodation. This report features brand tracking data on airlines, hotels, and more.

**General**

**Manafort had \$10 million loan from Russian oligarch: court filing**

**Nathan Layne, Reuters**

A search warrant application unsealed on Wednesday revealed closer links than previously known between President Donald Trump's former campaign manager Paul Manafort and a Russian oligarch with close ties to the Kremlin. In an affidavit attached to the July 2017 application, an FBI agent said he had reviewed tax returns for a company controlled by Manafort and his wife that showed a \$10 million loan from a Russian lender identified as Oleg Deripaska.

**Watchdog closes Zinke threat probe, citing lack of cooperation from Interior**

**Anthony Adragna, Politico**

The GAO said today it couldn't issue an opinion on whether Interior Secretary Ryan Zinke violated the law by reportedly threatening an Alaskan senator in a phone call because the agency didn't cooperate in its probe. Interior acknowledged Zinke phoned Senate Energy Chairwoman Lisa Murkowski (R-Alaska) and Sen. Dan Sullivan (R-Alaska) one day after Murkowski voted against the GOP's legislation to repeal the Affordable Care Act.

**Obama expected to hit the campaign trail for Democrats with help from Pelosi and Schumer**

**Brian Schwartz, CNBC**

Former President Barack Obama has been laying low when it comes to taking on President Donald Trump and the Republican Party. That's not going to last much longer.

**As U.S. hardens its borders, Canada debates whether to do the same or stand up to Trump**

**Vera Haller, Los Angeles Times**

Gbolahan Banjo says his bisexuality led to ostracism and beatings in his native Nigeria, where same-sex relationships are forbidden. So in early

June, he made his way to a deserted road in upstate New York and walked across the border and into Canada.

### **Xi Warns Mattis China Won't Surrender 'One Inch' of Territory** **Bloomberg**

President Xi Jinping told U.S. Defense Secretary James Mattis he wouldn't give up any territory that China considered its own, an unusually blunt warning as security disputes simmer below a fight over trade. Xi made his remarks while meeting Mattis on Wednesday in Beijing, the first such visit by a U.S. defense chief in more than four years.

### **Congress snubs White House, won't fund new prison for geriatric inmates at Guantánamo** **Carol Rosenberg, McClatchy DC**

In a setback to President Donald Trump's promise to make Guantánamo a permanent detention center, Congress has refused to pay for construction of a new \$69 million prison for the alleged 9/11 plotters and other former CIA captives. Commanders at the prison twice in recent weeks campaigned for the new building in sessions with visiting U.S. journalists.

### **A Spymaster Steps Out of the Shadows** **Mattathias Schwartz, The New York Times**

On June 4, John Brennan, the former C.I.A. director, made the long drive from suburban Virginia to New Jersey. He had plans to dine with his brother and an old high school friend.

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## **Presidential**

### **Trump dubs Heitkamp a 'liberal Democrat,' urges her defeat** **Darlene Superville, The Associated Press**

President Donald Trump urged voters Wednesday to fire "liberal Democrat" Sen. Heidi Heitkamp in November, claiming that she promised to be an independent mind but instead has voted in lockstep with her party leadership and against his agenda. Trump called instead for the election of Republican U.S. Rep. Kevin Cramer, one of his staunchest allies in Congress.

**Federal officials launch two reviews into Trump's handling of migrant children**  
**Dan Diamond, Politico**

The GAO and the Health and Human Services inspector general both launched reviews Wednesday into the Trump administration's handling of thousands of migrant children separated from their families at the border. The GAO told Rep. Frank Pallone (N.J.) that it will audit the systems and processes used to track families as they were separated, including how the HHS Office of Refugee Resettlement monitored each minor in its care, according to a letter obtained by POLITICO.

**Donald Trump, Vladimir Putin Expect to Hold July Summit**  
**Peter Nicholas et al., The Wall Street Journal**

President Donald Trump said Wednesday he will "most likely" meet with his Russian counterpart, Vladimir Putin, in a summit next month in Europe. The president is scheduled to attend a North Atlantic Treaty Organization summit next month in Brussels and is also planning to visit the U.K.

**As Summit Nears, NATO Allies Have One Main Worry: Trump**  
**Steven Erlanger, The New York Times**

NATO has been preparing for its July summit meeting for a year now, but there is one wild card: President Trump. Nobody knows which president will show up - the truculent one railing about inadequate military

spending by the allies or the boastful one taking credit for recent spending increases.

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## **Senate**

### **Kennedy Retirement Injects an Inflammatory New Issue Into Midterms**

**Jonathan Martin et al., The New York Times**

Supreme Court Justice Anthony M. Kennedy's announcement on Wednesday that he would retire this summer immediately thrust the high court to the center of the battle for control of the Senate, with Republicans daring red-state Democrats to oppose the nominee to replace Justice Kennedy, and Democrats warning that a rush to seat a new justice before the election would further galvanize moderate and liberal voters. With the Republican majority already on a 51-49 knife's edge, senators and strategists from both parties said the clash over the balance of the Supreme Court would immediately overwhelm a campaign that to date had largely revolved around President Trump's conduct and issues surrounding the economy, immigration and health care.

### **Senators Quickly Pivot to SCOTUS Confirmation Mode** **Jason Dick and John T. Bennett, Roll Call**

Senate Republican leaders on Wednesday quickly laid out the game plan for confirming a replacement for retiring Supreme Court Justice Anthony Kennedy, wasting no time in stating they intended to confirm a new justice before the fall elections and flatly claiming there was literally nothing Democrats could do to delay that. "The Senate stands ready to fulfill its constitutional role by offering advice and consent on President Trump's nominee to fill this vacancy. We will vote to confirm Justice Kennedy's successor this fall," Senate Majority Leader Mitch McConnell said on the floor just minutes after the news of Kennedy's retirement broke.

### **Senate farm bill stalled by Rubio's Cuba crusade** **Liz Crampton and Catherine Boudreau, Politico**

Senate leadership's goal of holding a floor vote on the farm bill this week is now in doubt, as key farm-state lawmakers work to resolve a new demand from Sen. Marco Rubio over a provision that would promote agricultural trade with Cuba. The Florida Republican on Wednesday declared on Twitter that he'd block any new amendments to the farm bill unless the Senate votes to strike a provision that would allow USDA funding for foreign market development programs to be spent in Cuba - or until senators adopt his proposal to ban U.S. taxpayer dollars from being spent on businesses owned by the Cuban military.

### **VA Nominee Faces Questions on Role in Jesse Helms Races** **Ben Kesling, The Wall Street Journal**

President Donald Trump's nominee to head the Department of Veterans Affairs has been preparing for his Senate confirmation hearing Wednesday by meeting with lawmakers in recent weeks to explain his views and his 30-year career in government as well as fielding questions about any role he has played in racially-charged politics. Robert Wilkie, a lawyer and Air Force Reserve officer currently serving as a Pentagon undersecretary in the latest of his decades of government and defense contracting posts, differs from many of the Washington outsiders usually preferred by Mr. Trump.

## **House**

### **Rosenstein and FBI chief will testify today in the House on alleged FBI bias in Russia probe** **Chris Megerian, Los Angeles Times**

As President Trump continues to rage against the Russia investigation clouding his administration, House Republicans are calling in top law enforcement officials for questioning and are escalating their demands for sensitive documents about the case. Deputy Atty. Gen. Rod



Rosenstein and FBI Director Christopher Wray, both of whom were appointed by Trump, are scheduled to testify Thursday before the House Judiciary Committee about a recent Justice Department inspector general report that White House allies claim proves bias among FBI investigators in the Russia probe.

**Embattled FBI agent meets with Congress behind closed doors in 11-hour marathon**  
**Jeremy Herb et al., CNN**

Embattled FBI agent Peter Strzok told lawmakers Wednesday in a marathon, closed-door interview that the anti-Trump text messages he exchanged with an FBI lawyer were part of an "intimate" conversation and he did not intend to act on any of the missives, according to Democrats in the meeting. But Republicans argued that Strzok's claims about the messages after the fact were simply not credible, and one lawmaker claimed to have learned new information from his interview Tuesday with the House Oversight and Judiciary Committees.

**Pelosi's path to speakership gets even harder**  
**Heather Caygle and John Bresnahan, Politico**

Rep. Joe Crowley's stunning loss on Tuesday night to a first-time candidate makes this crystal clear: Nancy Pelosi's path back to the speaker's chair is getting more narrow by the day. But it may not ease the route for the leaders directly below her either.

**'Defining moment.' Activists say it's time for leadership change in the Democratic Party**  
**Alex Roarty, McClatchy DC**

Alexandria Ocasio-Cortez is young, Latina, and boldly progressive - in other words, everything the Democratic Party's leadership is not. The party's activists are ready for that to change.

## **States**

### **Potentially expanding his executive power, Gov. Greg Abbott orders agency heads to run proposed rules by him first** **Emma Platoff, The Texas Tribune**

In a move that could expand the powers of his office, Gov. Greg Abbott has told Texas state agencies to submit proposed new rules to him before they are made available for public comment. Citing the "success of regulatory review at the federal level," Abbott's office wrote in a June 22 letter obtained by The Texas Tribune that his staff would review policies before they're published in the Texas Register, much as presidents do at the national level.

### **New York Attorney General Probes T-Mobile-Sprint Deal's Impact on Prepaid Services** **Sarah Krouse and Corinne Ramey, The Wall Street Journal**

The New York attorney general's office is investigating how T-Mobile US Inc.'s \$26 billion deal to buy Sprint Corp. could impact competition in the pay-as-you-go wireless market, according to people familiar with the matter. Representatives from the state attorney general's office have contacted companies that sell prepaid phone services in recent weeks with questions about pricing and customers, the people said.

### **Judge again orders Trump voter fraud commission to give documents to Maine's secretary of state** **Eric Russell, Portland Press Herald**

A federal judge has for the second time ordered the Trump administration to turn over documents to Maine Secretary of State Matthew Dunlap related to his participation on a presidential commission on voting integrity. The order, issued Wednesday by U.S. District Judge Colleen Kollar-Kotelly in Washington, D.C., rejects the commission's contention that Dunlap is no longer entitled to any documents now that the commission is dissolved.

**As they voted in Democratic primary, many Marylanders appeared inclined to back Hogan this fall.**  
**Steve Thompson and Fenit Nirappil, The Washington Post**

Dwight Hunter is tired of hearing about President Trump. Doesn't want to think about him. And like most Democrats, wishes his presidency were already over.

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## **Advocacy**

**Inside Facebook and Twitter's secret meetings with Trump aides and conservative leaders who say tech is biased**  
**Tony Romm, The Washington Post**

Twitter and Facebook are scrambling to assuage conservative leaders who have sounded alarms - and sought to rile voters - with accusations that the country's tech giants are censoring right-leaning posts, tweets and news. From secret dinners with conservative media elite to private meetings with the Republican National Committee, the new outreach reflects tech giants' delicate task: satisfying a party in power while defending online platforms against attacks that threaten to undermine the public's trust in the Web.

**Koch Network Plans To Spend Millions Backing Trump's Court Pick**  
**Kevin Robillard, HuffPost**

The powerful Koch network of conservative megadonors plans to spend seven figures backing President Donald Trump's Supreme Court pick if he nominates a candidate similar to Justice Neil Gorsuch to replace the retiring Anthony Kennedy, a network official said Wednesday. "Faced with a vacancy on the highest court, we encourage President Trump to build on that success by nominating a Supreme Court Justice in the spirit of Justice Neil Gorsuch - a nominee who will respect the rule of law, interpret the Constitution as written, and not seek to advance a political

agenda," said Sarah Field, the vice president for judicial strategy at conservative advocacy group Americans for Prosperity.

## **Opinions, Editorials and Perspectives**

### **With Kennedy Gone, Justice Must Be Won at the Ballot Box** **The Editorial Board, The New York Times**

If the last few days hadn't been dispiriting enough for those who believed the Supreme Court could still stand for reproductive freedom, equal rights for all Americans, a check on presidential power, a more humane criminal justice system and so much more, Wednesday afternoon brought the coup de grâce. Everyone knew it was coming sooner than later, but Justice Anthony Kennedy's retirement, which he announced in a letter released hours after the court had issued its final rulings of the term, is still crushing.

### **Kennedy's retirement opens a void at the court's center** **Editorial Board, The Washington Post**

Justice Anthony M. Kennedy's 30-year career on the Supreme Court was a historical accident. President Ronald Reagan's first choice to replace retiring Justice Lewis F. Powell Jr. in 1987 was Judge Robert H. Bork, a cerebral but overly doctrinaire conservative; his nomination failed by a 58-to-42 vote in the Senate.

### **The Supreme Court's Banner Year** **The Editorial Board, The Wall Street Journal**

The Supreme Court concluded a blockbuster term on Wednesday with a landmark ruling upholding the First Amendment rights of public workers. Justice Neil Gorsuch's first term on the Court and Anthony Kennedy's last turned out to be a banner year for constitutional liberties. The Court saved its most anticipated decision for last as a 5-4 majority in *Janus v. Afsome* overturned the Court's flawed 1977 *Abood* decision that

allowed states to require workers who don't belong to a union to pay "agency fees" to support collective bargaining.

### **Analysis: Where Do We Go From Here?** **Stuart Rothenberg, Roll Call**

On Monday evening, Judy Woodruff asked me and USA Today's Susan Page on the "PBS NewsHour" how the country moves forward from its current state of division. I didn't have a good answer.

## **Research Reports and Polling**

### **Sixty-Two Percent View Planned Parenthood Favorably** **Jim Norman, Gallup**

Sixty-two percent of Americans hold a favorable opinion of Planned Parenthood, the powerful pro-choice group whose high-profile role in the abortion debate has thrust it into the news once again this month. President Donald Trump and Republican congressional leaders are attempting to cut off federal funding for the organization because of its role as a major provider of abortions across the nation.



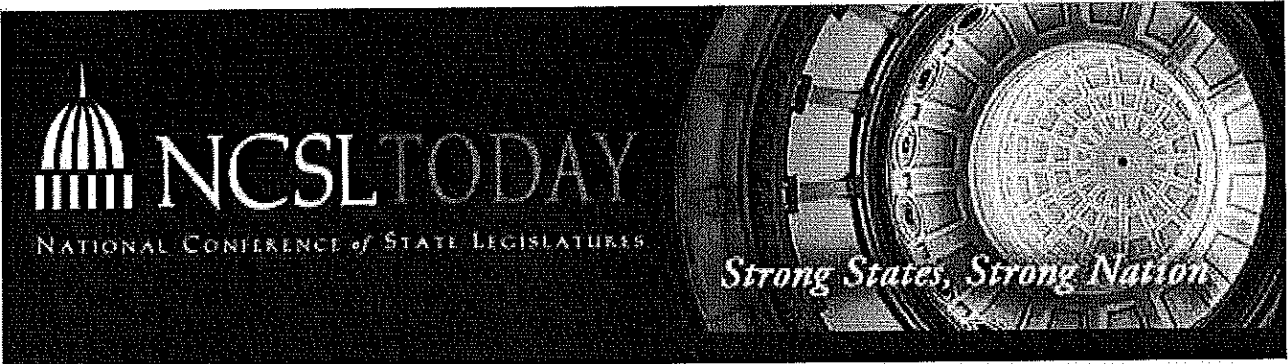
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## TOP NEWS June 28, 2018

### States cracking down on streaming video while driving

USA TODAY

Georgia isn't the only state to single out streaming as a new danger. A Washington state law, the Driving Under the Influence of Electronics Act, in January was the first to specifically mention video on phones. It even makes it illegal for Washington drivers to sneak a peek at their smartphone when stopped in traffic or at a stoplight, though they can touch a mounted or in-dash screen.

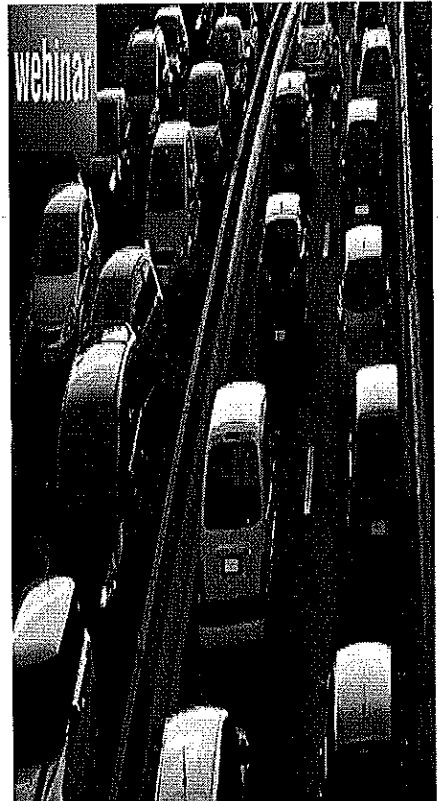
**NCSL's Annie Kitch quoted.**

[NCSL resources on distracted driving.](#)

### 'Now comes the interesting part' with online sales tax collections

Route Fifty

The court ruling in *South Dakota v. Wayfair, Inc.* has



FEATURED

also left complicated questions in its wake. Like what the specifics of new state policies could look like, whether Congress will take action, and how companies that sell goods online will react. **NCSL's Max Behlke** quoted.

## **Maine legislature passes sweeping medical marijuana reform bill**

*Portland Press Herald*

The bill, which now goes to Gov. Paul LePage, would let caregivers expand their business operations. For example, they could hire more than one worker, and sell up to 30 percent of their harvest to other caregivers and dispensaries.

[NCSL resources on medical marijuana.](#)

## **Ohio legislature passes blockchain legislation**

*Cleveland.com*

Ohio is close to becoming the latest state to offer legal support for blockchain-based business transactions, following a Wednesday vote by the state's General Assembly.

[NCSL LegisBrief on blockchain technology.](#)

## **South Carolina lawmakers OK rate cuts for failed nuclear plants**

*Associated Press*

South Carolina lawmakers have approved a temporary rate cut of nearly 15 percent for customers of a private utility who paid billions for two nuclear reactors that never produced power.

## **Webinar 3 p.m. ET TODAY Federal infrastructure funding - an update while we wait**

One of the most talked-about possibilities for federal action in 2018 is a new infrastructure bill that aims to inject what nearly all experts agree is a significant boost of funds for many of our national infrastructure systems.



= A

## **2017 state tax actions**

## **Hear from thought leaders at NCSL's Legislative Summit July 30-Aug. 2**

## **Connect with the new NCSL Events mobile app**



## **Supreme Court deals blow to unions in Janus case**

The U.S. Supreme Court held 5-4 in *Janus v. AFSCME* that state statutes allowing public sector employers and unions to agree that employees who don't join the union must still pay their



## Commercial spaceports still waiting for liftoff

*Stateline*

Communities are eager to tap into the growing commercial space industry.

"fair share" of collective bargaining costs violate the First Amendment.



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**From:** Public Policy Law360  
**Sent:** Friday, June 29, 2018 5:13 AM  
**To:** Rep30  
**Subject:** Roberts Becomes True Power As 'Kennedy Court' Ends



Friday, June 29, 2018



## KENNEDY RETIRES

Analysis

### **Roberts Becomes True Power As 'Kennedy Court' Ends**

The retirement of Justice Anthony Kennedy means that Chief Justice John Roberts is now the U.S. Supreme Court's most important member not just in title but also in reality, empowering him to advance a muscular conservative agenda and perhaps broker deals with outgunned liberals. [Read more »](#)

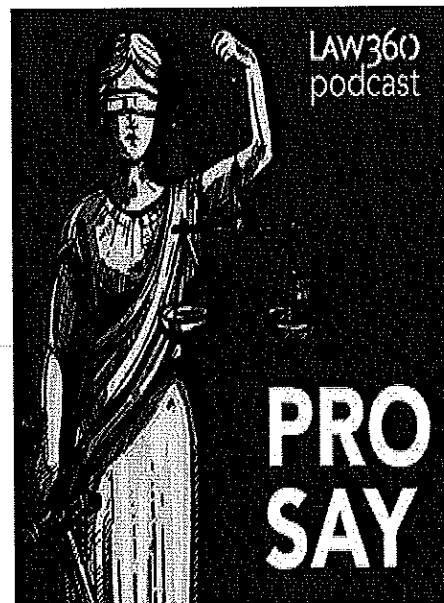
### **Delay On Kennedy Replacement 'Ain't Going To Happen': GOP**

High-ranking Republicans on the Senate Judiciary Committee stood firm Thursday on keeping Majority Leader Mitch McConnell's promise to vote this fall on a replacement for retiring U.S. Supreme Court Justice Anthony Kennedy, with one saying Democrats' calls to wait until after the November midterms "ain't going to happen." [Read more »](#)

Analysis

### **Why The Defense Bar Celebrates Kennedy**

Associate Justice Anthony Kennedy spent his three decades on the high court making a name for himself as a champion of individual freedoms, but he also authored the majority opinion in *Ashcroft v. Iqbal* that changed



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#### LAW FIRMS

Abrams Fensterman  
Ahmad Zavitsanos  
Akerman  
Allen & Overy  
Altshuler Berzon  
Anthony Kennedy PC  
Arnold & Porter  
Baker McKenzie

corporate litigation so much, it is cited in nearly every dismissal bid and has become the bane of the plaintiffs bar. [Read more »](#)

Analysis

### **Post-Kennedy Court Likely To Take Narrow View Of Title VII**

A circuit split on whether Title VII's ban on workplace sex discrimination includes bias based on sexual orientation had civil rights advocates hoping the U.S. Supreme Court would eventually declare that federal law protects gay workers, but Justice Anthony Kennedy's retirement means that's a long shot, experts say. [Read more »](#)

Analysis

### **Kennedy's Exit Puts Climate Change Regulations On Thin Ice**

The retirement of U.S. Supreme Court Justice Anthony Kennedy throws the future of federal climate change action into doubt, as experts say a more conservative high court could not only undo or neuter its landmark decision that greenhouse gases are pollutants, but also scuttle legal challenges of governmental decisions to regulate climate change and other environmental hazards. [Read more »](#)

Analysis

### **Kennedy Known For Careful Scrutiny Of Statutory Language**

Retiring Supreme Court Justice Anthony Kennedy is known — and will be missed — for his meticulous scrutiny of the language of the law, a characteristic that can be found in abundance in a 2008 majority opinion written by Kennedy that placed limits on who could be held liable in securities fraud class action cases, legal experts said Thursday. [Read more »](#)

## **TOP NEWS**

Analysis

### **Presidential Power Key In Masterpiece, Travel Ban Divergence**

Ballard Spahr  
Bilzin Sumberg  
Blank Rome  
Brown Rudnick  
Bryan Cave  
Buchanan Ingersoll  
Buckley Sandler  
Cadwalader Wickersham  
Carlton Fields  
Clark Hill  
Cleary Gottlieb  
Clyde & Co  
Cooley  
Cotchett Pitre  
Covington & Burling  
Cozen O'Connor  
Cravath Swaine  
Crowell & Moring  
Davis Wright Tremaine  
Dentons  
Dorsey & Whitney  
Earthjustice  
Eckert Seamans  
Eversheds Sutherland  
Faegre Baker  
Fenwick & West  
Fisch Sigler  
Fish & Richardson  
Foley & Lardner  
Foley Hoag  
Fried Frank  
Gibson Dunn  
Greenberg Traurig  
Haller & Colvin  
Haynes and Boone  
Hochman Salkin  
Hogan Lovells  
Hueston Hennigan

Cases at the U.S. Supreme Court this term over President Donald Trump's travel ban and a baker's refusal to make a wedding cake for a gay couple involved strikingly similar claims related to religious-based animus, but ultimately diverged because the justices chose not to second-guess the president's motives, constitutional scholars said. [Read more »](#)

Analysis

### **Nixing Trump's Favorite Trade Weapon Looks Like Long Shot**

A new challenge to the expansive Cold War-era law President Donald Trump has used to slap tariffs on steel and aluminum imports will face a steep uphill climb, legal experts say, as the case will have to overcome nearly a century's worth of precedent on the constitutional separation of powers. [Read more »](#)

### **Senate Panel Punts On 3rd, 11th Circ. Picks Over Tariffs**

The Senate Judiciary Committee advanced several district court picks on Thursday, even as Sen. Jeff Flake, R-Ariz., has continued to stonewall advancing nominees for the Third and Eleventh circuits until the chamber votes on a tariff measure. [Read more »](#)

### **Senate Passes Farm Bill, Sets Up Clash With House**

The U.S. Senate passed a five-year overhaul and reauthorization of farm subsidy and nutrition support programs Thursday, setting up a clash with the House over work requirements for the food stamp program. [Read more »](#)

## **BANKING & SECURITIES**

### **Deutsche Bank Unit Comes Up Short In Fed Stress Tests**

The Federal Reserve Board said Thursday that Deutsche Bank Trust Corp.'s U.S. subsidiary has flunked the latest round of annual stress

Hughes Hubbard  
Hunton Andrews Kurth  
Jackson Lewis  
Jenner & Block  
Kasowitz Benson  
Katten Muchin  
Kelley Drye  
Kellogg Hansen  
Kelly Hart  
King & Spalding  
Kirkland & Ellis  
Kramer Levin  
Latham & Watkins  
Littler Mendelson  
Lowenstein Sandler  
Manatt Phelps  
Mayer Brown  
McDermott Will  
Milbank Tweed  
Miller Canfield  
Morgan Lewis  
Morris Manning  
Morrison & Foerster  
Munger Tolles  
Patterson Belknap  
Paul Hastings  
Paul Weiss  
Perkins Coie  
Polsinelli  
Quinn Emanuel  
Reed Smith  
Robins Kaplan  
Rosette LLP  
Sanford Heisler  
Scali Rasmussen  
Sedgwick LLP  
Seyfarth Shaw  
Sidley Austin

testing over "material weaknesses" in its capital planning practices, while The Goldman Sachs Group Inc. and Morgan Stanley will have to keep buybacks and dividends steady because of side effects from last year's tax legislation. Read more »

## ENERGY & ENVIRONMENTAL

### **FERC Commissioner Powelson To Step Down In August**

Federal Energy Regulatory Commissioner Robert Powelson said Thursday he will step down in August, creating an even partisan split at the commission as it tackles weighty issues such as a pipeline policy revision and a potential U.S. Department of Energy bailout of coal and nuclear power plants. Read more »

### **Agencies Fight Tribes' Bid To Force Higher Lake Water Levels**

Several federal agencies on Wednesday urged a California federal judge to reject the Klamath Tribes' request to immediately make the government maintain certain water levels in the Upper Klamath Lake for the protection of two fish species, arguing that the tribes are unlikely to win the case. Read more »

### **NJ Town Joins Growing Resistance To Plastic Bags**

Jersey City, New Jersey, enacted an environmentally friendly ordinance Thursday banning merchants from using carryout bags made of plastic, following the lead of other Garden State towns that have identical laws in place and state lawmakers who want to curb the use of nonrecyclable takeout containers. Read more »

## IP & TECHNOLOGY

### **Senate Panel Advances Bill To Overhaul Music Licensing**

The Senate Judiciary Committee moved forward Thursday with a bill that would

Sills Cummis  
Simpson Thacher  
Skadden  
Somach Simmons  
Stroock & Stroock  
Thompson & Knight  
Vinson & Elkins  
Weil Gotshal  
Wiley Rein  
Williams & Connolly  
Willkie Farr  
WilmerHale

## COMPANIES

AT&T Inc.  
Airbnb Inc.  
Amazon.com Inc.  
American Cable Association  
American Civil Liberties Union  
American Electric Power Co. Inc.  
American Express Company  
American Federation of  
Government Employees  
American Federation of Labor and  
Congress of Industrial  
Organizations  
American Federation of State,  
County and Municipal Employees  
American Federation of Teachers  
Ansell Limited  
Apple Inc.  
Business Roundtable  
Charter Communications Inc.  
Chevron Corp.  
Comcast Corporation  
Concho Resources Inc.  
Deutsche Bank AG  
Dominion Energy Inc.  
EQT Corp.  
Facebook

overhaul how Spotify and other online music services pay royalties, as well as how license holders for pre-1972 hits are compensated. [Read more »](#)

## MEDIA & ENTERTAINMENT

### **Pa. Casinos Threaten To Sue Over Slot-Style Lottery Games**

The operators of Pennsylvania's casinos are threatening a lawsuit over new online lottery offerings from the state that they say violate recently adopted gambling laws by improperly replicating casino-style games. [Read more »](#)

## REAL ESTATE

### **NJ City Accused Of Anti-Trump Bias In Kushner Project Fight**

Jersey City has been slammed with a New Jersey federal lawsuit alleging municipal officials have attempted to drive out the real estate development firm owned by the family of White House senior adviser Jared Kushner as a partner in a redevelopment project because of the mayor's "political animus" toward Republican President Donald Trump. [Read more »](#)

## EMPLOYMENT

### **4 Post-Janus Developments You Need To Know**

Although the ink is barely dry on the U.S. Supreme Court's landmark Janus decision barring public-sector unions from collecting so-called fair share fees from workers, the ruling has spurred quick actions to handle the fallout, including from congressional Democrats, nearly two dozen mayors and a right-to-work nonprofit. Here, Law360 looks at four post-Janus developments to keep tabs on. [Read more »](#)

### **NJ Agency Must Turn Over Complaints In Racial Bias Suit**

First Interstate BancSystem Inc.  
First Reserve Corp.  
Goldman Sachs Group Inc.  
Google Inc.  
Honeywell International Inc.  
Huawei Technologies  
International Association of Privacy Professionals  
JPMorgan Chase & Co.  
Kaspersky Lab Ltd.  
KeyCorp  
Lambda Legal Defense & Educational Fund  
Lawyers' Committee for Civil Rights Under Law  
Lyft Inc.  
M&T Bank Corporation  
Microsoft Corporation  
Mobilitie LLC  
Morgan Stanley  
NBCUniversal Inc.  
National Education Association  
National Right to Work Legal Defense Foundation  
New York Times Co.  
Oculus VR LLC  
Public Knowledge  
Sabine Oil & Gas Corp.  
Schlumberger Limited  
Service Employees International Union  
Sierra Club  
Sinclair Broadcast Group, Inc.  
Spectrum Management Holding Co.  
Spotify Technology SA  
State Street Corp.  
Stoneridge, Inc.  
Theranos Inc.

A New Jersey appeals court on Wednesday ordered two state agencies to turn over bias complaints in a racial discrimination suit against the agencies, ruling that the state's concerns about the privacy of employees who made those complaints were unfounded. Read more »

### **Mass. Gov. Signs Family Leave, Minimum Wage Bill**

Republican Massachusetts Gov. Charlie Baker on Thursday signed legislation that will gradually raise the state's minimum wage, implement a family and medical leave policy and make a sales tax holiday permanent, according to his office. Read more »

## **COMPETITION**

### **FCC Urged To Halt Sinclair-Tribune Deal Over Rules Review**

Nonprofit groups Public Knowledge and Common Cause on Thursday told the Federal Communications Commission to wait before deciding if Sinclair Broadcast Group Inc. can merge with Tribune Media Co. until after the D.C. Circuit has looked at whether the agency's viewership discounts under its UHF rule are lawful. Read more »

## **CYBERSECURITY & PRIVACY**

### **DC Circ. Expects Quick Response To Kaspersky's Stay Bid**

The D.C. Circuit on Thursday gave the federal government a little more than a week to respond to an emergency request to stay a planned ban on federal contracts for Kaspersky Lab, after the company argued the government had moved up the effective date of the ban. Read more »

### **Calif. Enacts Internet Privacy Law, Erasing Ballot Effort**

California Gov. Jerry Brown on Thursday signed a landmark privacy bill that will give

Tribune Media Co.

Twitter Inc.

Verizon Communications Inc.

Wells Fargo & Co.

ZTE Corp.

## **GOVERNMENT AGENCIES**

Bureau of Reclamation

California Secretary of State

Confederated Tribes and Bands of the Yakama Nation

Congressional Budget Office

Department of Commerce

European Commission

European Union

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Energy Regulatory Commission

Federal Labor Relations Authority

Federal Reserve System

Federal Trade Commission

Fish and Wildlife Service

Florida Department of Environmental Protection

Georgia Attorney General's Office

Internal Revenue Service

International Trade Administration

International Trade Commission

Klamath Tribes

Massachusetts Legislature

NATO

National Marine Fisheries Service

New Jersey Attorney General's Office

Port Authority of New York & New Jersey

consumers the ability to control how online companies use and share their personal information and to request its deletion, prompting the backers of a similar but potentially more stringent privacy initiative set to appear on the November election ballot to withdraw their proposal. [Read more »](#)

## AEROSPACE & DEFENSE

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### House Passes \$675B Defense Spending Bill

The U.S. House of Representatives on Thursday easily passed its nearly \$675 billion bill funding the U.S. Department of Defense for 2019, while rejecting a proposal to add more funding for attack submarines, as a Senate panel approved its own version of the bill. [Read more »](#)

## INTERNATIONAL TRADE

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### Commerce Hands Down Early Tariffs On Asian Pipe Imports

The U.S. Department of Commerce moved to slap tariffs on imports of large-diameter welded pipes from several Asian countries, determining that producers from India, South Korea, China and Turkey had been unfairly subsidized by their respective governments. [Read more »](#)

## TAX

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### IRS Commissioner Nominee Queried On Pass-Through Deduction

Charles Rettig, nominee for Internal Revenue Service commissioner, was questioned Thursday by a member of the Senate Finance Committee about the 20 percent deduction for certain pass-through income included in last year's federal tax overhaul legislation. [Read more »](#)

### Calif. Gov. OKs Soda Tax Ban, Citing Beverage Biz Threat

Securities and Exchange Commission

Texas Department of Parks and Wildlife

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court



California Gov. Jerry Brown on Thursday signed a measure that blocks cities and counties from enacting taxes on soda and other sugar-filled drinks through 2030, citing the threat of a beverage industry ballot measure that went away with the swipe of his pen. [Read more »](#)

## IMMIGRATION

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### **Senate OKs Bill To Grant New Zealanders Access To E Visas**

The U.S. Senate on Thursday unanimously passed a bill that would add New Zealand to the list of countries participating in the E visa program, which allows nationals of certain foreign countries to temporarily reside in the U.S. to conduct trade and investment operations. [Read more »](#)

### **Feds Ordered To Halt Release Policy For NY Detained Minors**

A New York federal court on Wednesday ordered the federal government to pause its policy requiring the head of an immigration agency to personally review and sign off on the release of detained minors who have been held in a more restrictive setting, certifying a class of children held in the state. [Read more »](#)

### **Trump's Remarks Did Not 'Taint' DACA Rollback, 9th Circ. Told**

The Trump administration on Thursday urged the Ninth Circuit to find that, under the U.S. Supreme Court's travel ban ruling earlier this week, President Donald Trump's derogatory statements on the campaign trail regarding Mexicans similarly "did not taint" the administration's plan to end the Deferred Action for Childhood Arrivals program. [Read more »](#)

#### **Pro Bono Spotlight**

### **BigLaw Jumps Into Immigration Fray**

In response to the administration's zero-tolerance and family separation policies,

BigLaw firms across the country are partnering with each other and a constellation of nonprofits to provide pro bono legal aid to parents and children seeking to be reunited and be granted asylum. [Read more »](#)

## NATIVE AMERICAN

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### **Law Enforcement Can't Stop Wash. Tribe's Fireworks Sales**

A Washington federal court on Thursday granted a request by the Confederated Tribes and Bands of the Yakama Nation for immediate relief to prevent law enforcement from halting their members from selling fireworks sanctioned by tribal permit or confiscating the merchandise. [Read more »](#)

## TELECOMMUNICATIONS

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### **FCC's O'Rielly Says Admin Hearings Wrongly Kill Mergers**

The Federal Communications Commission's administrative law judge system is one of the easiest ways to strangle a proposed media merger, Commissioner Michael O'Rielly suggested Thursday, saying in a speech that the agency's in-house review process should be scrapped. [Read more »](#)

### **Municipal Broadband May Present Free Speech Concerns**

While municipally operated broadband networks may be an attractive option after the recent net neutrality rule deregulation, an expert warned Thursday that government-run networks can raise free speech concerns. [Read more »](#)

### **Rosenworcel Offers San Jose Small Cell Deals As 5G Model**

Federal Communications Commissioner Jessica Rosenworcel is promoting contracts approved by the city of San Jose, California, for the deployment of 5G next generation broadband as a solution to

conflicts between carriers' need for access to utility poles with local governments' demand to control the terms of telecom attachments.

[Read more »](#)

### **Microsoft Urges Limited 'White Spaces' Spectrum Program**

Microsoft Corp. has urged the Federal Communications Commission to preserve the status quo on its "white spaces" project, a plan to repurpose gaps between channels to power Wi-Fi-like signals in rural areas, which has proven to be controversial with groups that have complained the tech giant never participated in auctions and therefore isn't entitled to spectrum. [Read more »](#)

## **EXPERT ANALYSIS**

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Series

### **From Lawmaker To Lawyer: Prioritizing Is Always Key**

Today, members of Congress often seem able to blame colleagues of the other party for not getting anything done for their constituents. In law practice, you can't really blame a bad result for your clients on the lawyers on the other side, says former Sen. Joe Lieberman, D-Conn., of Kasowitz Benson Torres LLP. [Read more »](#)

### **The E-Sign Act: 18 Years And All Grown Up**

As the Electronic Signatures in Global and National Commerce Act — signed by President Bill Clinton on June 30, 2000 — reaches the age of maturity after being tested in the courts, and as more employers adopt or broaden their use of electronic signatures, now is a good time to review the basic requirements and lessons learned from the developing case law, says August Heckman of Morgan Lewis & Bockius LLP. [Read more »](#)

### **Trump V. Hawaii Left To The 'Moral Judgments Of History'**

In *Trump v. Hawaii*, the U.S. Supreme Court recently found that Congress “delegated” to the president the “comprehensive” power to suspend the entry of any noncitizens whose admission he found “detrimental” to American interests. The crux of the majority’s decision: No fig leaves here, says Joseph Tartakovsky, the James Wilson fellow in constitutional law at the Claremont Institute. [Read more »](#)

### **After Janus, Employers Should Proceed With Caution**

The long-awaited decision in *Janus v. AFSCME* was the second within a month in which the U.S. Supreme Court ruled against unions, putting employers in a strong position at the bargaining table. But if employers appear too eager to exploit the moment, they risk facing a backlash, say Jack Schaedel and Christian Scali of Scali Rasmussen. [Read more »](#)

### **What You Should Know About The 24/7 Cybercrime Network**

The CLOUD Act raises the possibility of agreements between the U.S. and EU on law enforcement access to digital evidence, and the EU’s proposed “e-evidence” regulation would streamline law enforcement access to data among its 28 member states. These two actions will greatly change the way that the G7’s 24/7 Cybercrime Network operates, says Chris Ott of Davis Wright Tremaine LLP. [Read more »](#)

### **IRS Delivers Double Whammy To Owners Of Escheated IRAs**

Custodians of individual retirement accounts that escheat to the state will soon be required by the IRS to withhold 10 percent for federal income tax and report the escheatment as a taxable distribution to the owner. It is unclear whether the new rules provide any relief from the taxes and penalties these IRA owners may

face, says Daniel Morgan of Blank Rome LLP.  
[Read more »](#)

## LEGAL INDUSTRY

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### **Paul Hastings, Cadwalader Move On Associate Pay Raises**

Cadwalader Wickersham & Taft LLP, Paul Hastings LLP and Thompson & Knight LLP were among the firms that said they would be joining the trend of hiking salaries and offering mid-year bonuses for associates, according to internal memos made public on Thursday.  
[Read more »](#)

### **Sedgwick Faces New, \$23M Landlord Suit Over NY Lease**

The owner of the building that housed Sedgwick LLP's New York financial district office said the now-defunct law firm missed a payment related to the early termination of its lease and, as a result of the breach of contract, owes \$23 million, according to a suit filed in state court just days after the landlords of its Chicago office made similar claims. [Read more »](#)

### **Foley Hoag Extends 18-Week Leave Policy To All Parents**

Foley Hoag LLP has announced that it is implementing a new parental leave policy that offers up to 18 weeks off in the 12 months after the birth or adoption of a child for all parents, regardless of whether they are the primary caregiver or not. [Read more »](#)

### **V&E Attys Hurt In Boat Crash, Partner Pilot Faces Questions**

A Vinson & Elkins LLP partner was hit with an arrest warrant earlier this month over his alleged role piloting a boat that crashed in Travis County, Texas, injuring three of his fellow partners, according to documents filed in state court, though the warrant has reportedly since been rescinded. [Read more »](#)

## Law360's Weekly Verdict: Legal Lions & Lambs

Williams & Connolly LLP partner Kannon Shanmugam landed on the legal lions list after the U.S. Supreme Court granted review on three of his cases during the past week, while attorneys at Haynes and Boone and Skadden ended up legal lambs after a judge slashed client ZeniMax's \$500 million intellectual property verdict in half. [Read more »](#)

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**From:** Saul's News

**Sent:** Sunday, July 1, 2018 5:01 AM

**To:** Rep30

**Subject:** Saul's News - Weekly Review July 1st, 2018



## SAUL'S NEWSSTAND

More political news, faster. Curated by Saul Anuzis

[www.saulsnews.com](http://www.saulsnews.com)

**Saul's News - Weekly Review**

**July 1st, 2018**

**Happy Birthday America!**

**Supreme Court:** What a week!?! Justice Kennedy announced his retirement giving President Trump an opportunity to appoint a solid conservative on the court that will hold up the principles enshrined in our constitution...rather than rewrite it.

Then the Supreme Court passed the Janus decision, finally giving government workers the right to choose whether or not to pay union dues. With municipal unions blindly backing Democrats with their union dues, this gives workers the ability to make their own decisions when it comes to politics. This is huge!

**Attempted Entrapment:** Stunning, as the Obama Administration's political hacks attempted to entrap members of the Trump campaign in what clearly is becoming decided clear political gamesmanship. This kind of activity threatens our democracy at its core. "Spygate" is worse than "Watergate" because of the brazen political bias and intent to stop the election of a major party's nominee...regardless of who that person is. Offenders should be prosecuted to the fullest extent of the law.

**Democratic Ideas:** Think about this, from union dues to Obamacare, liberal ideas are so good they have to use government to force you to buy them?!? A bankrupt party?

The Democrats have Lost It: Congresswomen Maxine Waters and Nancy Pelosi now represent the mainstream of the Democratic Party...which is truly unbelievable! Elections have consequences, they lost, and the Trump Administration is implementing their promises, their policy. If the liberal/progressive left disagrees, harness the intellectual power of the liberal left, make your case to the American people for open borders, catch and release, higher taxes, less jobs, civil disobedience, racism and going backwards....and let the American people decide at the ballot box. I think we are in the midst of a second American Revolution, the difference is conservatives and normal Americans are willing to fight it at the ballot box rather than at the end of barrel or a flying brick.

The progressive left wing Democratic Party has gone too far. They've lost any semblance of civil discord. They openly finance, encourage and defend anything from near domestic terrorism by individual with Antifa - Black Lives Matter to MS-13, to riots in the streets, to an invasion of illegal immigrants across our border to our own law enforcement, intelligence services and IRS targeting U.S. citizens for political reasons.

An Obama/Clinton legacy that will be a shockingly disturbing chapter in America's history.

Why Share This Newsletter: I've had a few questions over the last few weeks as to why I share various information and news stories via this newsletter and online.

I want activists to engage. I email this newsletter every Sunday to about 16,000 activists, reporters, pundits and other folks who care. It's free...it a collection of some of the key stories for the week that help inform and move the debate forward.

The goal is to give a conservative perspective, facts to fight the left and to motivate Americans to engage in the debate over public policy that matters.

I also want to help expose the radical left wing propaganda as just that. The tactics and willingness of so many on the left to lie, distort, threaten and destroy civil discourse is dangerous. Too many have lost the ability to agree to disagree and have a rational disagreement over policy and politics.

We need to tone it down...get back to a battle over ideas...let both side express themselves in civil discourse. Leave the bats, bottles, masks and race baiting name calling at home.



So I hope it helps, informs and motivates...for it's a fight worth fighting.

Keep the faith!

-Saul Anuzis



## **Trump's poll numbers are surging as he faces some of the biggest controversies of his presidency**

- President Donald Trump has faced intense, sustained media and political backlash to his immigration policies.
- But amid the controversies, Trump's approval is near a high at 45%. That's about what President Barack Obama was polling at this stage in his presidency.
- Many in the US don't trust the media, potentially explaining why the outrage on news programs hasn't shown up in polling.

[Text Link](#)

1. The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document. The title is "The History of the United States of America". The author is "John Adams". The date is "1776".

2. The second part of the document is a table of contents. It lists the chapters of the document and the page numbers where they begin. The chapters are "The Declaration of Independence", "The Constitution", "The Bill of Rights", "The Federalist Papers", and "The American Revolution".

3. The third part of the document is the first chapter, "The Declaration of Independence". It begins with the famous words, "We the People". It goes on to declare the independence of the United States from Great Britain.

4. The fourth part of the document is the second chapter, "The Constitution". It describes the structure of the government and the powers of the different branches.

5. The fifth part of the document is the third chapter, "The Bill of Rights". It lists the first ten amendments to the Constitution, which protect the rights of the people.

6. The sixth part of the document is the fourth chapter, "The Federalist Papers". It is a series of essays written by James Madison, Alexander Hamilton, and John Jay, which argue for the ratification of the Constitution.

7. The seventh part of the document is the fifth chapter, "The American Revolution". It describes the events of the revolution, from the Boston Tea Party to the signing of the Declaration of Independence.

8. The eighth part of the document is the sixth chapter, "The American Revolution". It continues the story of the revolution, from the Battle of Bunker Hill to the signing of the Treaty of Paris.

9. The ninth part of the document is the seventh chapter, "The American Revolution". It describes the final years of the revolution, from the signing of the Treaty of Paris to the establishment of the new government.

10. The tenth part of the document is the eighth chapter, "The American Revolution". It describes the early years of the new government, from the signing of the Constitution to the establishment of the federal government.

11. The eleventh part of the document is the ninth chapter, "The American Revolution". It describes the early years of the new government, from the signing of the Constitution to the establishment of the federal government.

12. The twelfth part of the document is the tenth chapter, "The American Revolution". It describes the early years of the new government, from the signing of the Constitution to the establishment of the federal government.

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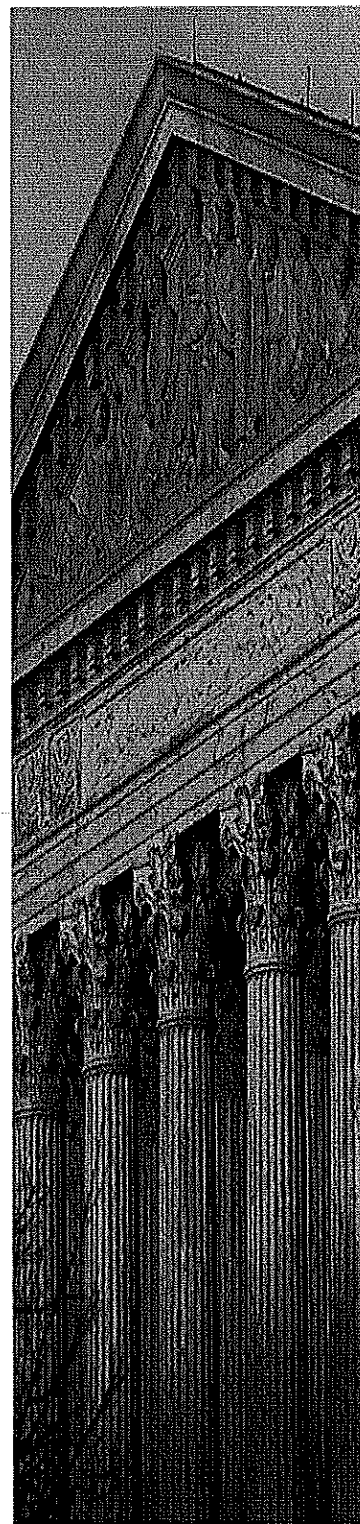
## Huge News...Government Workers 'Free At Last'

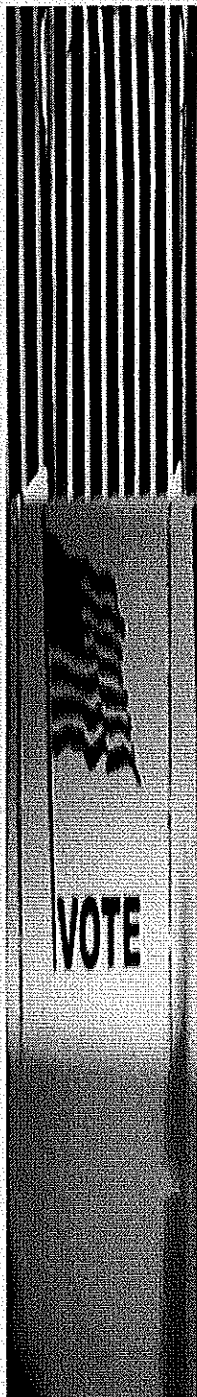
Rank and file government workers won big over union bosses Wednesday when the U.S. Supreme Court ruled 5-4 in favor of Mark Janus, an Illinois state worker who refused to join the American Federation of State, County, and Municipal Employees. The court struck down an Illinois law that allowed the union to deduct fees from Janus's paycheck despite his refusal to join.

The Janus ruling smashes laws in 22 states -- including New York, Connecticut, New Jersey and California -- that compel nonmembers to support unions. Until now, if you wanted a government job in these states, you had to pay up. But now firefighters, teachers and other public employees won't have to fork over a penny to a union if they choose not to join. For the average worker who opts out, it will mean hundreds of dollars more in take-home pay a year.

More in workers' pockets, less in union coffers. Nationwide, unions are expected to forfeit hundreds of millions of dollars when nonmembers stop paying and some members quit to save money, too.

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## Midterm turnout surges for both parties

A surge in voter enthusiasm has prompted millions more Democrats to cast ballots in primary elections this year, a turnout explosion ahead of midterms..

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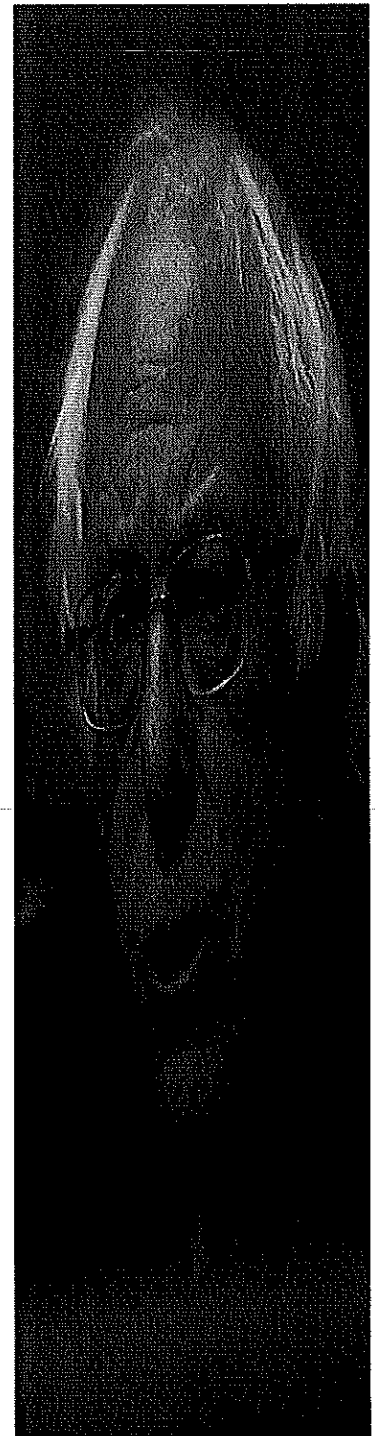
## **The Democrats Are Done Pretending to Be Moderate**

They think they're unpopular because they aren't left-wing enough.

The Democratic love of socialism was for many years the love that dared not speak its name. No more. Now the party is figuratively jumping on Oprah's couch shouting its love of socialism. You'd have to plug your ears not to hear it.

Socialist Bernie Sanders is unquestionably the spiritual leader of the Democratic party, which is radicalizing itself in his image, and on the strength of her blowout Democratic-primary win over liberal incumbent Joe Crowley in the party-ruled NY-14 congressional district, soon-to-be-congresswoman Alexandria Ocasio-Cortez is now one of the most prominent faces in the Democratic party. A poll last fall put support for socialism at 44 percent among Millennials, and even more disturbingly, 23 percent of this group agreed that Joseph Stalin is a "hero." Socialized medicine, i.e., Medicare for all, is the hottest issue on the Left (unless you count hating Trump as an "issue").

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## After Its Hard Left Turn, Will Democratic Party Officially Admit It's Socialist?

Progressives: The shocking primary victory of 28-year-old socialist Alexandria Ocasio-Cortez over Congress' No. 4, Democrat Joe Crowley, underscores what we have long noted: The Democratic Party is no longer a party of moderation, but a party of the extreme left. And it's moving ever faster and farther leftward with each election cycle.

The 57%-42% drubbing of Crowley looks like the death knell not just for his political career, but for that of his mentor House Minority Leader Nancy Pelosi. Crowley, after all, was the hand-picked successor to Pelosi. He had outraised his far younger opponent by 10-to-1.

Ocasio-Cortez isn't a make-believe socialist; she belongs to the Democratic Socialists of America. And she had the backing of Bernie Sanders' "Our Revolution" political group. "Our Revolution"? Do they want a civil war? It's a real concern. A new Rasmussen poll shows 31% of Americans think a civil war is likely soon, while 59% fear violence from Trump haters.

That's scary.

[Text Link](#)

## **Early FBI contacts with Trump campaign officials analyzed; 'Efforts to manufacture evidence'**

Lee Smith at Real Clear Investigations has a lengthy analysis of the early contacts with Trump campaign official prior to the official launch of the FBI's counterintelligence probe known as "Crossfire Hurricane."

How extensive the FBI or other US intelligence/law enforcement agencies' contacts with Trump campaign advisers were prior to the July 31, 2016 start date for the official investigation has been a great mystery for journalists and congressmen willing to ask.

Congressman Devin Nunes, the Chairman of the House Intelligence Committee has been trying to get to the bottom of these contacts and the exact origin of the FBI probe for several months and has still been met with stonewalling from the Justice Department.

Smith has detailed as many as seven contacts with Trump campaign figures that have been made public:

[Text Link](#)







## **Days of Rage: There is no limiting principle on leftist fury.**

American politics is taking a dangerous turn. Or, I should say, American politics is taking a dangerous turn again. In the space of a few days last week, leftist protesters individually targeted trump aide Stephen Miller, taunted Secretary of Homeland Security Kirstjen Nielsen in a restaurant and at her home, mocked (and allegedly spat at) Florida attorney general Pam Bondi at a movie theater, and denied service to Trump press secretary Sarah Huckabee Sanders at a restaurant in Lexington, Va.

Make no mistake, this is provocative rhetoric. Angry, in-your-face confrontations dramatically increase the chances of violence. Put people in close proximity, yelling and spitting, and public officials will rightly start to fear that they're in physical danger. While millions of Americans don't remember that a Bernie Sanders supporter last year tried to assassinate a significant portion of the GOP Congress, you can be assured that not a single Republican in Washington has forgotten. They can never be sure that the screaming person in front of them doesn't mean them physical harm.

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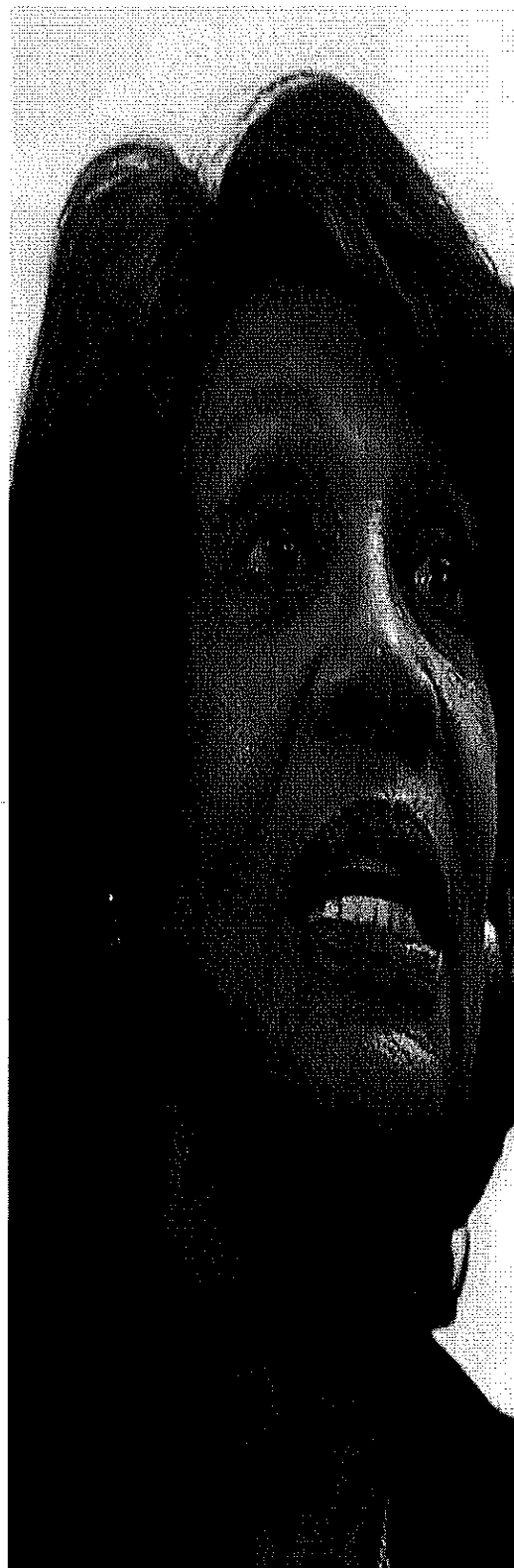
## **Maxine Waters advances a liberal strategy with her call for mob action**

With the appalling news of the past few weeks of mobs attempting to harass and intimidate President Trump's female Cabinet members and staff, the inclination is to believe that this remarkable behavior, so antithetical to American values, is the result of a lack of leadership in the Democratic Party.

Yet, the organized nature of the attacks, combined with liberal political and legacy media rhetoric, makes clear this is not some sort of organic turn of events. Having come from the left, I can tell you everything liberals do is organized around the principle of personalizing, punishing and polarizing; it's the only thing they know how to do and is a required skill when you can't persuade people on the details of the issues and have no actual policy solutions.

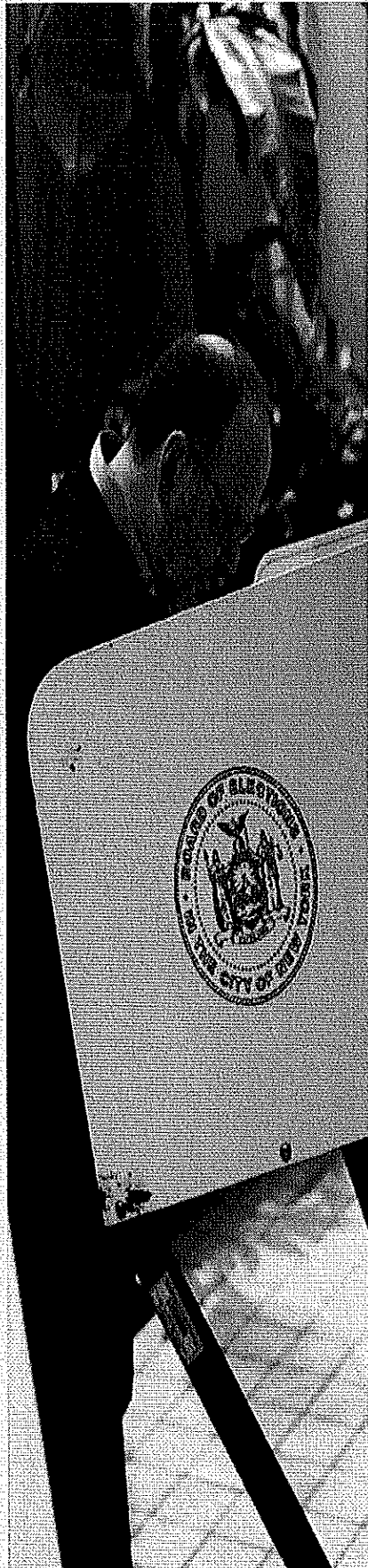
While some were calling for an end to this classically fascist behavior, Rep. Maxine Waters, California Democrat, decided more mob action would be good. Ms. Waters spoke to a group in Los Angeles and did not call for an end to the menacing; instead, she encouraged it.

Real Clear Politics reported, "She said cabinet members and highly visible Trump enablers should expect harassment at restaurants, gas stations, shopping places, and even their homes, 'Already you have members of your cabinet that are being booed out of restaurants. We have protesters taking up at their house who are



saying, 'No peace, no sleep. No peace, no sleep ... ? 9 Waters finished with a call to action: 'If you see anybody from that cabinet in a restaurant, in a department store, at a gasoline station, you get out and you create a crowd. You push back on them. Tell them they= 2re not welcome anymore, anywhere!' "

[Text Link](#)



## **Crazy Left Wins a Big One! Crowley stunner tops huge night for left**

Veteran Rep. Joe Crowley's (D-N.Y.) stunning defeat on Tuesday night rocked the political world, as progressive candidates stormed to victory in primaries held across the country. Crowley, the chairman of the House Democratic caucus who was seen as a potential future speaker, lost in a massive upset to progressive challenger Alexandria Ocasio-Cortez, a 28-year-old organizer for Sen. Bernie Sanders's (I-Vt.) presidential campaign.

Other liberal candidates won primary challenges in top House and gubernatorial races. Former NAACP President Ben Jealous, who was endorsed by Sanders, won the Democratic primary in Maryland's governor race. And activist Dana Balter won her House primary in upstate New York.

Those victories illustrate that voters have an appetite to buck the political establishment, as progressives seek to move the Democratic Party farther to the left.

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## **The Left Tries To Blame Trump For Their Own Hate Mongering**

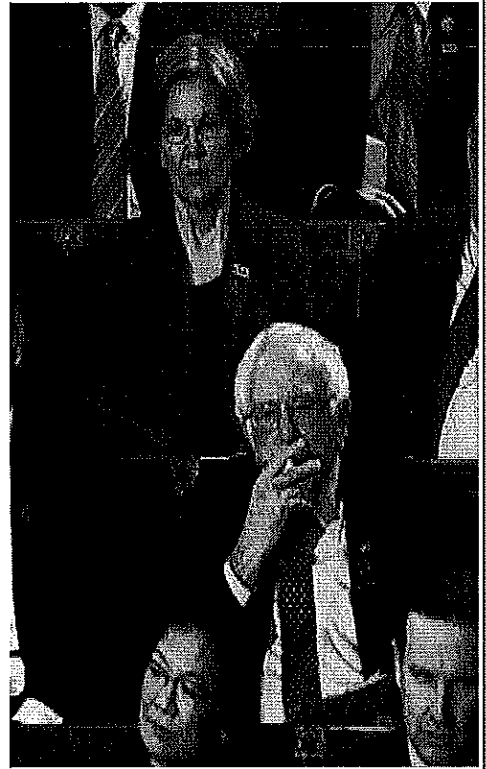
Civil Society: When not worrying that its increasingly hostile anti-Trump antics might backfire on Democrats, the left is busy blaming President Trump's own incivility for the ferocity of their attacks. But this is exactly how the left treats all conservatives, rough-hewn or not.

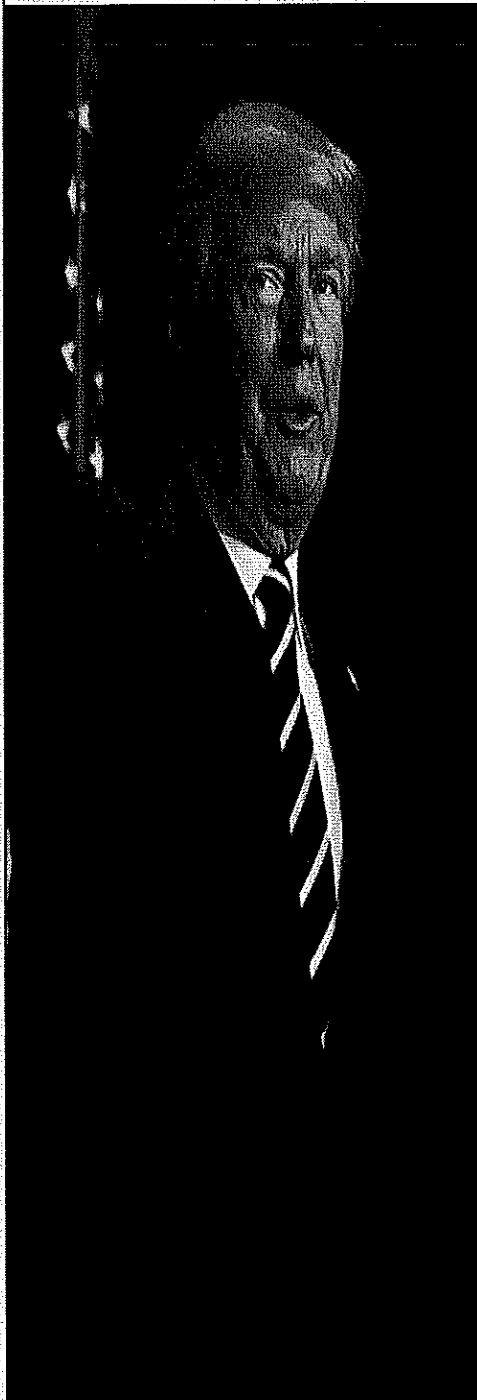
After a week in which a celebrity called for the abduction of the president's young son, a restaurant kicked out Trump's spokesman, and a mob harassed the Homeland Security secretary, Democrats are starting to wonder if their "resistance" is getting out of hand — while refusing to take any blame for it.

House Minority Leader Nancy Pelosi managed to perfectly encapsulate this when she said "Trump's daily lack of civility has provoked responses that are predictable but unacceptable."

The blame-Trump-first meme has been catching on fast.

[Text Link](#)





## **As days pass, will Trump waste another chance to build the wall?**

Building a wall on the U.S.-Mexico border was Donald Trump's premier campaign promise, and he is running out of chances to keep it.

Trump has been president for nearly a year and a half, and has not yet won anywhere near the funding needed to build the wall along the 1,000 or so miles of border that he pledged to voters. Now, there are two Republican immigration bills in the House, each of which would provide around \$25 billion for the wall, and Trump has blown them both off, saying he'd rather try again after November's midterm elections.

"Republicans should stop wasting their time on immigration until after we elect more Senators and Congressmen/women in November," Trump tweeted Friday. "Dems are just playing games, have no intention of doing anything to solve this decades old problem. We can pass great legislation after the Red Wave!"

Now, it is entirely possible Republicans will keep control of the House and Senate. It's also possible they will lose. But does anyone believe the GOP will gain enough seats to pass difficult legislation without somehow settling their internal disputes? Unlikely.

And of course Democrats are playing games with immigration. They still will be after the election, no matter what happens.

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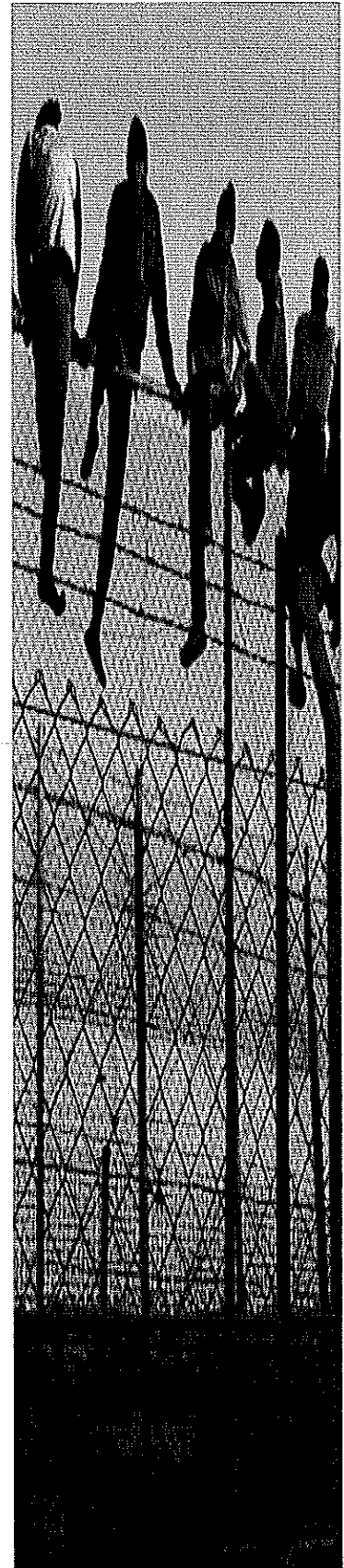
## **Even Europe is Securing Their Borders...EU leaders reach migration deal after marathon talks in Brussels**

European Union leaders reached a breakthrough deal on migration after all-night talks in Brussels, European Council President Donald Tusk announced on Friday.

The agreement has been billed as "make or break" for German Chancellor Angela Merkel's future in office amid a dispute with her hardline Interior Minister Horst Seehofer.

Read what's happened so far:

[Text Link](#)







## Immigration - Using gumballs to explain the challenge

[Video Link](#)

## **Worth Remembering and Keeping In Mind: Saul Alinsky's 13 Tried-and-True Rules for Creating Meaningful Social Change**

Saul David Alinsky died 36 years before the election of Barack Obama and Hillary Clinton's first attempt for the presidency. But many feverish screeds on social media, talk radio, and YouTube might have made one think he lurked behind these politicians like Rasputin. Spoken of by many on the right as a servant of the devil, "American Joseph Goebbels," and "dangerous harbinger of insurrection," Alinsky developed a reputation for insidiousness that may exceed his influence, considerable though it may be.

But liberals and leftists have no special purchase on Alinsky's legacy. As one thoughtful, eloquent pundit recently wrote, "the Right has taken Saul Alinsky's Rules for Radicals and shoved it up where #TheResistance don't shine." Not long before this charming appropriation, Alinsky's 1971 manual of political warfare found its way into the hands of some of the same Tea Party organizers who had made his name synonymous with everything they despised about the left. (See Alinsky court his Luciferian comparisons in the 1966 interview above.)

[Text Link](#)



## Stay In Touch... Feel Free to Share

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**From:** Ohio Chamber  
**Sent:** Monday, July 2, 2018 8:36 AM  
**To:** Rep30  
**Subject:** Ohio Chamber Legislative Update July 2



**OHIO CHAMBER  
OF COMMERCE**

## Legislative Update

July 2, 2018

***Read about the issues that impact your business.***

### ***We're All For .....***

#### **Regulatory Reform**

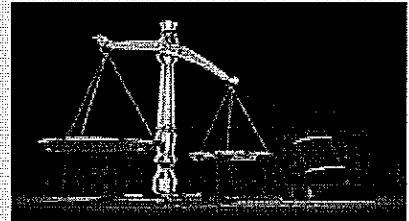
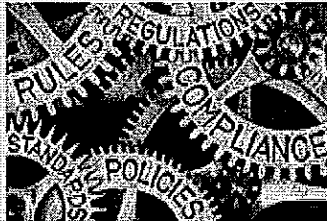
On Wednesday, the Ohio Legislature took a major step forward towards much-needed regulatory reform. Senate Bill 221, which has long been an Ohio Chamber priority bill passed through the House and the Senate and is now on its way to Governor Kasich's desk. [Continue reading.](#)

[Click here](#) to read about the bills we are following.



### **We're All for Providing Information**

Be sure to read our latest blog posts on [allforohio.com](http://allforohio.com) for additional information that is of interest to Ohio Chamber members. Here are our blog posts from the past week:



### **Pro-Business Cyber Security Legislation Heads to Governor**

In a flurry of legislative activity during the final week of June, the Legislature passed Senate Bill 220, cybersecurity legislation improving Ohio's business and legal climate. [Read about the bill.](#)

### **Senate Moves Fresh Approach to Provide Regulatory Relief**

Ever feel overwhelmed by bureaucratic red tape and government regulations? This week, the Ohio Senate passed Senate Bill 293 in an effort to provide businesses with some regulatory relief. [What does this bill mean for Ohio?](#)

### **Supreme Court Rules Fair-Share Fees Decidedly Unfair**

By now, news of the *Janus* decision has spread like wildfire across every type of media imaginable. This is big news and the blog in this post by Ohio Chamber member Vorys, Sater, Seymour and Pease LLP goes through the ins and outs of the case itself in detail. [Continue reading.](#)

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### **We're All for Connections**



### **Contact Ohio Chamber Lobbyists**

**Keith Lake, Vice President Government Affairs**  
[klake@ohiochamber.com](mailto:klake@ohiochamber.com)

**Don Boyd, = A Director Labor & Legal Affairs**  
[dboyd@ohiochamber.com](mailto:dboyd@ohiochamber.com)

**Zack Frymier, Director Energy & Environmental Policy**  
[zfrymier@ohiochamber.com](mailto:zfrymier@ohiochamber.com)

**Jeff McClain, Director Tax & Economic Policy**  
[jmcclain@ohiochamber.com](mailto:jmcclain@ohiochamber.com)

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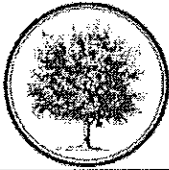
**Kevin Boehner, Director, Small Business & Workforce Policy**  
[kboehner@ohiochamber.com](mailto:kboehner@ohiochamber.com)

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**From:** The Buckeye Institute  
**Sent:** Monday, July 2, 2018 12:15 PM  
**To:** Rep30  
**Subject:** ICYMI: Buckeye's Robert Alt Looks at the Impact of Janus in The Columbus Dispatch & The Hill



## THE BUCKEYE INSTITUTE

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Following last week's Supreme Court ruling in *Janus v. AFSCME*, Robert Alt, president and chief executive officer at The Buckeye Institute, looked at what the ruling means for Ohio's public employees and government unions in *The Columbus Dispatch* (complete piece below).

Alt also had a piece in *The Hill*, where he wrote, "Consent matters. But you don't have to take my word for it -- just ask the Supreme Court of the United States. In *Janus v. AFSCME*, the Court's five-member majority held that the First Amendment protects public-sector employees -- including petitioner Mark Janus -- from being compelled 'to subsidize private speech on matters of substantial public concern' without prior affirmative consent."

Read the full *Hill* piece [here](#).

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# The Columbus Dispatch

**Janus decision protects workers who dissent from union**

*The Columbus Dispatch*

By Robert Alt

July 1, 2018



In *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, the U.S. Supreme Court decided that public-sector workers must affirmatively consent before any money can be taken from them for union fees.

Since Wednesday's ruling, folks on both sides have unfortunately succumbed to hyperbolic overreaction. The most cursory recollection of our country's founding reminds us that the same idea of consent was integral to empowering the government in the first place. Accordingly, it should surprise precisely no one that the court was concerned with the compulsion aspect of the case's facts.

Plaintiff Mark Janus -- an ordinary child-support specialist at the Illinois Department of Healthcare and Family Services -- objected to paying mandatory union fees as a condition of his employment and lamented, "The union voice is not my voice. The union's fight is not my fight. But a piece of my paycheck every week goes to the union. I am not anti-union... But unions aren't a fit for everyone. And I shouldn't be forced to pay money to a union if I don't think it does a good job representing my interests."

The Supreme Court agreed with Janus that, indeed, consent matters. Common courtesy and basic human decency have always demanded it, but now -- in overruling its own 41-year-old precedent in *Abood v. Detroit Board of Education* -- the court found that the First Amendment requires affirmative consent when it comes to paying union fees, too.

Writing for a five-member majority, Justice Samuel Alito raised the court's objection to public employees being forced to financially support their unions, "even if they choose not to join and strongly object to the positions the union takes." Such an arrangement, Alito concluded, "violates the free speech rights of nonmembers by compelling them to subsidize private speech on matters of substantial public concern."

Unions will continue to serve their consenting members for generations to come -- only now they will do so more effectively, more efficiently and without trampling the constitutional rights of their members.

Any Ohio unions worried that *Janus* and other subsequent right-to-work laws will catalyze the end of unions and union membership can rest easy. Empirical studies and data from right-to-work states, including our neighbors Indiana and Michigan, demonstrate that even after enacting right-to-work laws, union membership not only does not suffer but often increases.

In the first full year after Indiana's right-to-work law took effect, for example, the state added 3,000 new union members. Although union membership initially fell slightly after Michigan adopted right-to-work rules in 2013, it has since recovered, accounting for 15.6 percent of all wage and salary workers in 2017 -- up from 14.4 percent in 2016 and well above the national average of 10.7 percent.

After *Janus*, the quality of public-sector union representation inevitably will improve. Removing coercion and requiring affirmative consent will incentivize union leaders to be more responsive to the needs and desires of their union members, which will increase the value of union membership by refocusing the union's attention on increasing job satisfaction and working conditions for members.

Happier and better-served union members who have affirmatively consented to their union membership should be our shared end goal across the political spectrum.

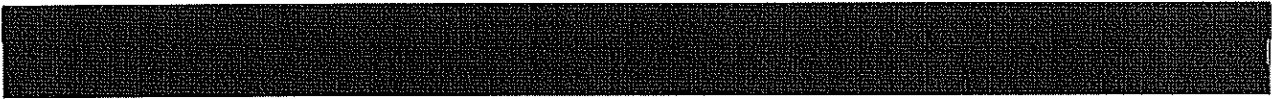
Public-sector workers won the long-overdue right to be respected, irrespective of their individual decisions regarding union membership. And, in a nation founded upon the consent of the governed, the standard of consent adopted by the Supreme Court in *Janus* finally gives our hardworking public servants the voice and choice they have always deserved.

*Robert Alt is the president and chief executive officer of The Buckeye Institute in Columbus.*

###

*Founded in 1989, The Buckeye Institute is an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.*

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**From:** Public Policy Law360  
**Sent:** Thursday, July 5, 2018 5:12 AM  
**To:** Rep30  
**Subject:** Law360 Reveals The Global 20 Firms Of 2018



Thursday, July 5, 2018



## GLOBAL 20

### Feature

#### **Law360 Reveals The Global 20 Firms Of 2018**

What makes a law firm truly global? What does it take to handle the biggest and most complex cross-border matters? These firms know. Here, Law360 reveals its eighth annual ranking of the firms with the most international clout. [Read more »](#)

### Feature

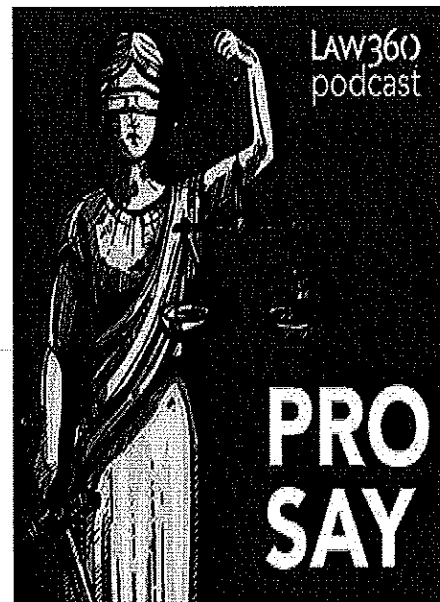
#### **Global Law Firms Bulk Up In Europe As Brexit Approaches**

With Britain less than a year from exiting the European Union, firms on Law360's Global 20 have begun pushing deeper into the countries remaining in the bloc, adding offices and industry specialists in a shift that could rebalance how BigLaw works in the region. [Read more »](#)

### Feature

#### **How Smaller Firms Can Go Global Without Going Bankrupt**

Setting up shop across the globe may seem impossible for smaller law firms, but it can be done — and it's not the only way to get business overseas. Here, Law360 looks at



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### LAW FIRMS

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what firms should think about when deciding whether, and how, to go global. [Read more »](#)

## TOP NEWS

### Analysis

#### **New Mexican Prez May Slow But Won't Stop Energy Reform**

While cross-border energy attorneys don't expect Mexican President-elect Andres Manuel López Obrador to undo landmark constitutional reforms that opened up the country's energy sector to private and foreign investment in the last five years, they warn that he may slow down the pace of denationalization. [Read more »](#)

#### **Trump Interviews Utah Sen. Mike Lee For Supreme Court**

President Donald Trump added another name to the latest round of speculation about who will fill Supreme Court Justice Anthony Kennedy's seat — interviewing Sen. Mike Lee, R-Utah, for the vacancy Monday, Lee's office and the White House confirmed Tuesday. [Read more »](#)

### Feature

#### **Biggest Benefits Policy Developments In 2018: Midyear Report**

So far this year, the U.S. Department of Labor has clarified how companies can include socially conscious investments in 401(k) plan lineups, test whether health care plans comply with mental-health parity laws and ensure retirement advisers aren't placing the company in legal hot water. Here's a look back at the major benefits policy developments from the first half of 2018. [Read more »](#)

#### **Putin Aimed To Put Trump In Presidency, Senate Panel Agrees**

The Senate Select Committee on Intelligence on Tuesday released initial findings from its review of a U.S. intelligence community assessment produced last year that backed its conclusion that the Russian government

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sought to help Donald Trump win the White House. [Read more »](#)

### **Sessions Cites 'Rule Of Law' In Nixing 24 DOJ Guidance Docs**

Attorney General Jeff Sessions on Tuesday rescinded 24 U.S. Department of Justice guidance documents that he considered "unnecessary, outdated, inconsistent with existing law, or otherwise improper," striking down Obama-era stances on issues like affirmative action, refugees' right to work and juveniles in the criminal justice system. [Read more »](#)

## **BANKING & SECURITIES**

### **CFPB Structure Is Unconstitutional, 5th Circ. Hears**

A Mississippi check cashing and payday loan company fighting a Consumer Financial Protection Bureau enforcement action has told the Fifth Circuit that the consumer watchdog agency is unconstitutionally structured and can't be fixed except by striking down the law that set it up. [Read more »](#)

### **NY Wants Banks To Offer Services To Med. Marijuana Cos.**

New York's banking regulator is urging its state-chartered banks and credit unions to offer banking services to the state's legal medical marijuana-related businesses, issuing guidance Tuesday that the agency said is intended to clear up the regulatory landscape in light of the drug's continued prohibition under federal law. [Read more »](#)

## **ENERGY & ENVIRONMENTAL**

### **EPA Extends Comment Period On Cost-Benefit Review Rules**

The U.S. Environmental Protection Agency has extended the public comment period for its consideration of new regulations that would control how it determines the costs and

Milbank Tweed  
Morgan & Morgan  
Morgan Lewis  
Morrison & Foerster  
Munger Tolles  
Native American Rights Fund  
Norton Rose Fulbright  
Ogletree Deakins  
Orrick Herrington  
Outten & Golden  
Patterson & Sheridan  
Pillsbury Winthrop

Reed Smith  
Rimon PC  
Seyfarth Shaw  
Shapiro Arato  
Shearman & Sterling  
Sheppard Mullin  
Sidley Austin  
Stroock & Stroock  
Suitter Axland

Troutman Sanders  
Wheeler Trigg  
White & Case  
WilmerHale

## **COMPANIES**

AREVA SA  
AT&T Inc.  
American Bar Association  
American Civil Liberties Union  
American Federation of Labor and Congress of Industrial Organizations  
American Federation of State, County and Municipal Employees  
Center for Human Rights & Constitutional Law  
CenturyLink Inc.  
China Mobile Ltd.

benefits of regulatory actions that impact the public and businesses, according to a notice published in the Federal Register on Tuesday. [Read more »](#)

### **DC Circ. Won't Revisit Decision On EPA Boiler Startup Rule**

The D.C. Circuit on Tuesday rejected a rehearing request from the Sierra Club and other environmental groups that disagreed with a portion of its ruling on boiler emissions that pertain to the U.S. Environmental Protection Agency's startup and shutdown rules that the groups said did not go far enough. [Read more »](#)

### **Pa. Looks To Raise Permit Fee Cost For Fracking Wells**

The Pennsylvania Department of Environmental Protection on Monday proposed more than doubling the application fee for new hydraulic fracturing oil and gas wells, an increase it says is necessary to continue funding the state's well-plugging fund. [Read more »](#)

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## **HEALTH & LIFE SCIENCES**

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### **Medical Pot Smoking Ban Stays In Place As Fla. Fights On**

Patients hoping to smoke medical marijuana in Florida will have to wait for the conclusion of the state's appeal of a decision finding an existing ban unconstitutional, after the appeals court reinstated an automatic stay on the lower court's decision Tuesday. [Read more »](#)

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## **MEDIA & ENTERTAINMENT**

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### **Conn. Tells MGM To Butt Out In Suit Over Gambling Deal**

Connecticut has once again urged a D.C. federal court to reject MGM Resorts International's bid to intervene in a suit by the state and two tribes against the federal government over its alleged inaction on

Comcast Corporation  
Deloitte Touche  
Democratic National Committee  
Epic Systems Corp.  
Ernst & Young  
Facebook  
Goldman Sachs Group Inc.  
Google Inc.  
HBR Consulting LLC  
Hiscox  
Ingenico Group SA  
International Association of Privacy Professionals  
International Brotherhood of Teamsters  
JPMorgan Chase & Co.  
Kaspersky Lab Ltd.  
Law Foundation of Silicon Valley  
Level 3 Communications Inc.  
Lex Mundi Ltd  
MGM Resorts International  
Mohegan Sun  
NBCUniversal Inc.  
NFL Enterprises LLC  
National Association of Home Builders  
National Center for Youth Law  
National Education Association  
National Employment Law Project  
Natural Resources Defense Council  
Nordic Capital Ltd.  
PHH Corporation  
PricewaterhouseCoopers  
Public Company Accounting Oversight Board  
SanDisk Corporation  
Siemens AG  
Sierra Club

changes to a tribal-state gambling deal, arguing that MGM's involvement is improper. [Read more »](#)

## EMPLOYMENT

### **DC Circ. Mulls Review Of Browning-Ferris Joint Employer Row**

Browning-Ferris Industries urged a D.C. Circuit panel in oral arguments Tuesday not to resume review of an Obama-era decision from the National Labor Relations Board against the company expanding the joint employer standard that controls when multiple companies can be deemed responsible for workers. [Read more »](#)

### **NJ Gov. OKs Bill Giving Public Unions Pension Fund Control**

New Jersey Gov. Phil Murphy on Tuesday signed off on a bill that will transfer the management of the police and firefighters public pension fund from the state to a board of trustees after the state legislature accepted recommendations he made when he conditionally vetoed the bill in May. [Read more »](#)

#### Feature

### **The FLSA Turns 80: How Plaintiffs Want The Law Updated**

The Fair Labor Standards Act celebrated its 80th birthday last week, and legal experts on both sides of the worker-management divide say the landmark law is showing its age. Here, Law360 looks at how employment attorneys who represent workers say Congress should bring the statute into the 21st century. [Read more »](#)

### **8th Circ. Nixes Contempt Ruling In DOL Wage Probe**

The Eighth Circuit ruled Tuesday that a restaurant shouldn't be held in civil contempt for not turning over documents about its owners' other businesses to the U.S.

Skype Technologies SA  
Southern Poverty Law Center  
Starbucks Corporation  
Take-Two Interactive Software, Inc.  
Telenor ASA  
The Boeing Company  
The ERISA Industry Committee  
Tokio Marine Holdings  
Toshiba  
Twitter Inc.  
Verizon Communications Inc.  
Washington Capitals  
Washington Nationals  
Zenefits FTW Insurance Services Inc.  
Zeughauser Group LLC

#### GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services  
Bureau of Indian Affairs  
California Environmental Protection Agency  
Central Intelligence Agency  
Consumer Financial Protection Bureau  
Department of Commerce  
Energy Information Administration  
European Commission  
European Union  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Election Commission  
Federal Judicial Center  
Financial Crimes Enforcement Network  
Florida Attorney General's Office  
Florida Department of Health



Department of Labor since it didn't have those documents in its possession, adding that the agency isn't allowed to use judicial contempt orders to essentially mount a "fishing expedition." [Read more »](#)

## CYBERSECURITY & PRIVACY

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### Analysis

#### **Calif. Privacy Law To Spark GDPR-Like Compliance Efforts**

The California privacy law hastily enacted last week will require online giants, telecoms, retailers and a host of others to overhaul the way they manage personal data and interact with consumers, likely prompting many companies to build on similar efforts they've made to comply with the European Union's sweeping general data protection regulation, attorneys say. [Read more »](#)

## INTERNATIONAL TRADE

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#### **EU Rips Trump For Mulling Car Tariffs Tied To US Security**

The European Union has warned the Trump administration against installing tariffs on its cars, trucks and auto parts, blasting the suggestion that these imports are threatening the national security of the United States, according to its comments circulated Monday. [Read more »](#)

## TAX

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#### **NJ Gov. Signs \$425M Tax Credit Bill For Film, Digital Media**

New Jersey Gov. Phil Murphy on Tuesday signed legislation authorizing a \$425 million film and digital media tax credit program after state legislators adopted his recommended changes to extend the tax breaks to reality television shows, and to permit an additional tax incentive to encourage the hiring of women and minorities. [Read more »](#)

Internal Revenue Service  
International Chamber of Commerce  
Mashantucket Pequot Tribal Nation  
Mohegan Tribe  
NAFTA  
National Labor Relations Board  
National Railroad Passenger Corporation  
National Security Agency  
National Telecommunications and Information Administration  
Navajo Nation  
New York Attorney General's Office  
New York State Department of Financial Services  
Occupational Safety and Health Administration  
Office of Juvenile Justice and Delinquency Prevention  
Office of the Montana State Auditor  
Omaha Tribe of Nebraska  
Pennsylvania Department of Environmental Protection  
Seminole Tribe of Florida  
U.S. Attorney's Office  
U.S. Census Bureau  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency

## IMMIGRATION

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### **9th Circ. Revives Chinese Woman's Asylum Bid**

The Ninth Circuit on Monday sent back to the Board of Immigration Appeals a Chinese woman's bid for either asylum or withholding of removal after determining that she credibly testified that the Chinese government physically forced her to have an abortion. [Read more »](#)

### **Judge Considers Bad Faith In Census Citizenship Query Row**

A Manhattan federal judge indicated Tuesday that he is unlikely to dismiss a challenge to the Trump administration's addition of a question about citizenship status to the 2020 census, and added he sees reason to suspect bad faith on the part of a Cabinet member who has given shifting explanations for the origin of the controversial policy. [Read more »](#)

### **ACLU Fights To Uphold Flores Protections For Immigrant Kids**

The American Civil Liberties Union urged a California federal court Monday to uphold protections for immigrant children who are detained at the border, arguing the government cannot detain children with their parents for extended periods in order to deter other families from crossing the border illegally. [Read more »](#)

## NATIVE AMERICAN

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### **Navajo Can't Get Contempt Order In Gerrymandering Suit**

A Utah federal judge won't find San Juan County in contempt after the Navajo Nation alleged that the municipality was flouting a court order requiring it to use certain election districts recommended by a special master for the upcoming November 2018 elections in a

U.S. House Committee on Energy and Commerce

U.S. Senate

U.S. Supreme Court

U.S. Uniform Law Commission

United Keetoowah Band of Cherokee Indians

Wage and Hour Division

dispute over racial gerrymandering. [Read more »](#)

### **ND Native Voters Urge 8th Circ. To Keep Block On ID Law**

A group of Native Americans urged the Eighth Circuit on Monday to preserve a North Dakota federal judge's injunction that blocked portions of a 2017 state voter identification law for discriminating against Native voters, saying the state had furnished no evidence of voter fraud that would justify the law. [Read more »](#)

## **TELECOMMUNICATIONS**

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### **Trump Admin Urges FCC To Block Chinese Common Carrier**

A group of federal agencies with national security and technology management missions have urged the Federal Communications Commission to block a powerful Chinese telecom operator from expanding its networks to the U.S. [Read more »](#)

### **NBCU Pushes FCC To Create Video Description Safe Harbor**

Comcast-NBCU has urged the Federal Communications Commission to let it count more of its programming toward the mandated number of hours broadcasters must air shows with video-descriptions, which allow the blind and sight-impaired to listen to narrated versions of TV programs. [Read more »](#)

### **Pai Looks To Strengthen FCC Probes Of Hiring Bias In Media**

Federal Communications Commission Chairman Ajit Pai proposed a plan Tuesday that would enhance the commission's enforcement resources to investigate discrimination in the communications industry. [Read more »](#)

### **FCC Asks DC Circ. To Pause Small-Cell Rule Challenges**

The Federal Communications Commission asked the D.C. Circuit to put on hold combined challenges from Native American tribes and environmentalists to an agency rule exempting from environmental and historic reviews small-cell fixtures necessary for building up next-generation or 5G networks. [Read more »](#)

### **Sprint Urges FCC To Clarify Local Carrier Fee Rules**

Sprint representatives met with the Federal Communications Commission on Tuesday to urge the agency to resolve legal questions surrounding whether carriers must pay local access charges even for wireless users making local calls, a dispute over compensation that has been playing out in multidistrict litigation for several years. [Read more »](#)

### **Pai Elevates FCC Broadband Deployment Panel Members**

Federal Communications Commission Chairman Ajit Pai announced the elevation of two members of the agency's Broadband Deployment Advisory Committee on Monday, with one named vice chair and the other appointed to the full committee from one of its working groups. [Read more »](#)

## **WHITE COLLAR**

### **Manafort Seeks Juror Questions On Politics, Media Habits**

Former Trump campaign chair Paul Manafort is very interested in the political leanings and media diet of prospective jurors in his looming trial for financial crimes, a request for jury questions filed in Virginia federal court has shown. [Read more »](#)

### **Ex-Rep. Schock Will Ask Justices To Examine Fraud Charges**

Former U.S. Rep. Aaron Schock will ask the U.S. Supreme Court to consider whether his indictment on charges he misused campaign

and government money to support a lavish lifestyle clashes with the U.S. Constitution's speech-or-debate clause and rule-making clause, according to a court filing. [Read more »](#)

### **Insurer Witness In Skelos Trial Grilled Over NY Sanction**

Attorneys for former New York state Senate Majority Leader Dean Skelos and his son Adam on Tuesday went after a government witness who says he gave the younger Skelos a job in part to keep key state legislation to his insurance company viable, by questioning him over a state regulator's finding that he engaged in misconduct at a medical malpractice insurer. [Read more »](#)

## **EXPERT ANALYSIS**

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### **Inside The NLRB's General Counsel Memo On Boeing**

Last month, National Labor Relations Board General Counsel Peter Robb clarified how he expects the agency's regional directors will apply the 2017 Boeing Co. opinion when considering unfair labor practice charges concerning work rules and handbook policies. Unions and employees can take solace in the fact that the GC appears committed to case-by-case evaluation, say Steven Swirsky and Genevieve Murphy-Bradacs of Epstein Becker Green. [Read more »](#)

### **Some Good Prop 65 News For Businesses**

It is rare for anything having to do with California's infamous Proposition 65 warning law to be welcomed by businesses, but a dizzying flurry of recent developments may prove an exception, say attorneys with Morrison & Foerster LLP. [Read more »](#)

### **A Look At Chicago's Data Protection Proposal**

The Chicago City Council is considering privacy legislation that would regulate online

businesses that collect or broker sensitive personal information. Enacting this ordinance would ensure that Illinois remains at the forefront of the country's ongoing privacy debates, says Molly DiRago of Troutman Sanders LLP. [Read more »](#)

Opinion

### **Washington State Should Amend Its Anti-Rebate Laws**

Due to Washington state's anti-rebate laws, Zenefits customers in Washington now pay over \$1,000 per year for a service that should be free. If a law advances no legitimate policy objective, and its net effect is to harm consumers, then the legislature should change the law, say Nicholas Gregory and Shawn Hanson of Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

Opinion

### **Centrist Analysis Of Justice Kennedy's Retirement Is Flawed**

In telling Democrats and progressives not to melt down over the prospect of President Trump appointing another U.S. Supreme Court justice following Justice Anthony Kennedy's retirement, the centrists make four main arguments. None of them are convincing, says Gordon Renneisen of Cornerstone Law Group. [Read more »](#)

Roundup

### **From Lawmaker To Lawyer**

Earlier this year, Rep. Trey Gowdy, R-S.C., made headlines with his decision to leave Congress and return to law. In this series, former members of Congress who made that move discuss how their experience on the Hill influenced their law practice. [Read more »](#)

## **LEGAL INDUSTRY**

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### **Global 20: White & Case**

Working across far-flung offices to secure hundreds of billions in deals that include Eastern and central Europe's largest-ever

telecom transaction while also fielding major cross-border disputes, White & Case LLP again earned a spot on Law360's Global 20. [Read more »](#)

Feature

### **High Court Nomination Watch: DC Circ.'s Brett Kavanaugh**

Unlike others considered favorites to replace U.S. Supreme Court Justice Anthony Kennedy, D.C. Circuit Judge Brett Kavanaugh has a voluminous judicial record after 12 years on the federal appellate bench — one that reflects his strong conservative views on the law. [Read more = 2](#)

Feature

### **Law Firms Beware: Big 4 Leaders Eye More Legal Growth**

The Big Four's march into the legal industry has been relentless over the past decade, and leaders of Deloitte and EY told Law360 in recent interviews that onlookers should only expect a ramping-up of their expansion into the legal market going forward. [Read more »](#)

### **Sheppard Mullin, Herbert Smith Tout Associate Pay Shifts**

Sheppard Mullin Richter & Hampton LLP announced on Tuesday that it would join the throng of firms offering associates base salary hikes according to the new market standard established in June, while international firm Herbert Smith Freehills LLP made public the rollout of a new compensation system for British associates that focuses more on performance than seniority. [Read more »](#)

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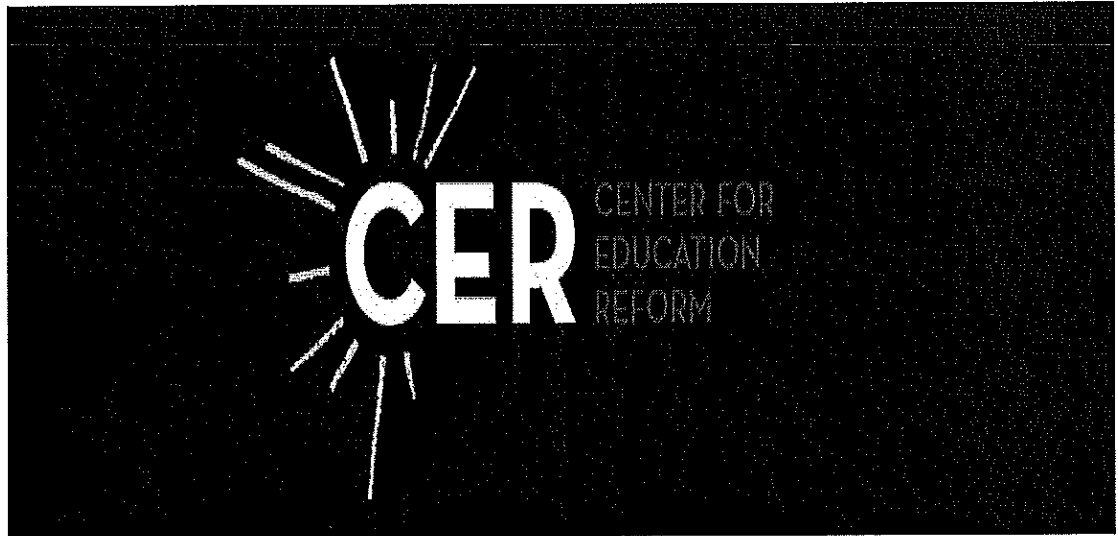
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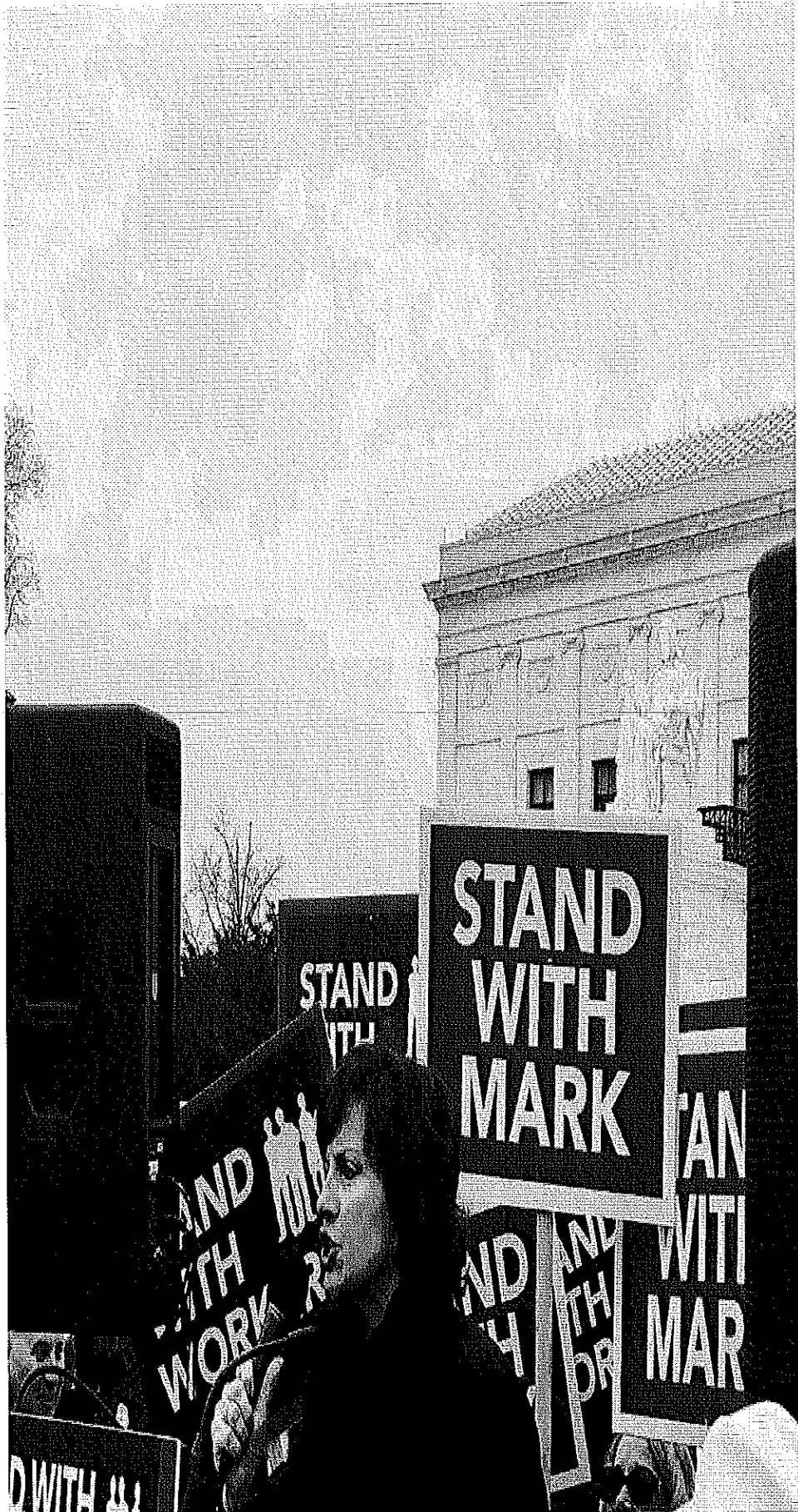


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## **ICYMI:** In Public-Sector Union-Fees Case, SCOTUS Strikes a Blow for Freedom

by Jeanne Allen | [National Review](#) | June 27, 2018



*Janus v. AFSCME* is good news for the First Amendment.

The suggestion by union leaders and various pundits that the Supreme Court's decision on *Janus v. AFSCME* will somehow deny teachers a voice — and will “defund and destroy” the unions ¶ 4 is absurd.

The case addresses an individual's constitutional protection from coerced speech. It doesn't deny unions the right to organize, recruit, bargain, strike, or collect dues from willing members. What it does deny is the unions' right to force individuals who are opposed to their positions and policies to pay into union coffers.

As much as America's teachers' unions are labor organizations, they are equally or more so political organizations, lending huge support to political causes, campaigns, and candidates. *Continue reading...*

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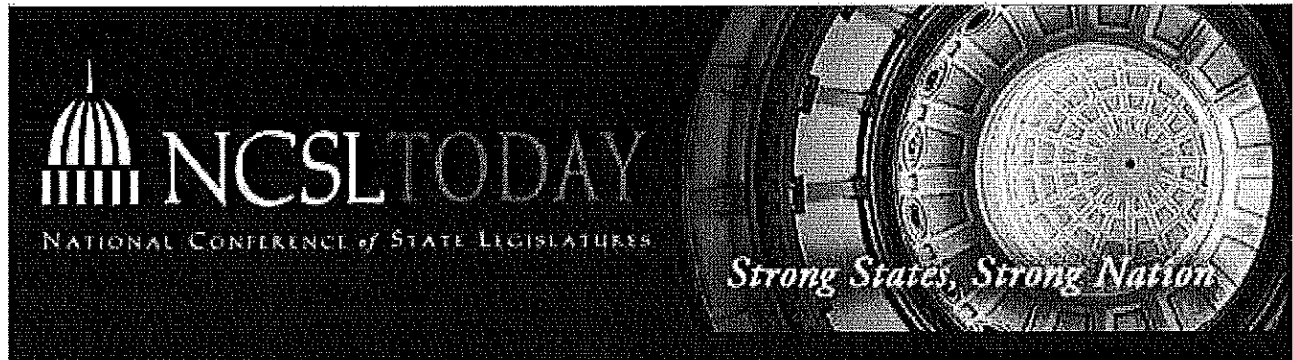
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**Subject:** Why 'orphan' oil and gas wells are a growing problem for states

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## TOP NEWS July 9, 2018

### Why 'orphan' oil and gas wells are a growing problem for states

*Stateline*

Unplugged wells can leak explosive gas into neighborhoods and leach toxins into groundwater.

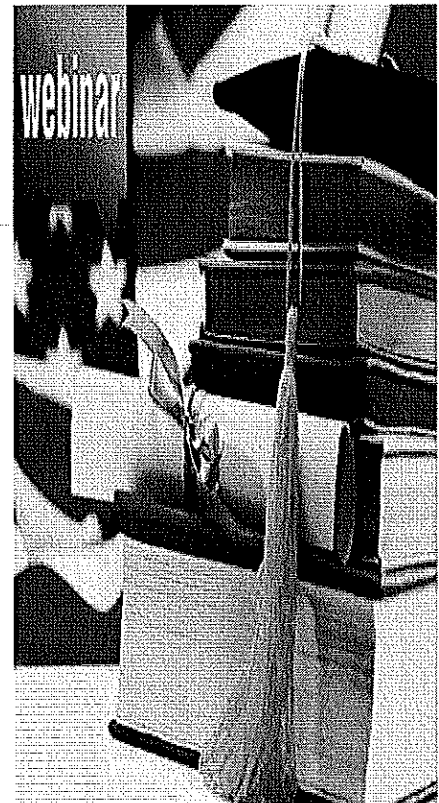
### At state level, GOP renews push for 'supermajority' for tax hikes

*The Washington Post*

Florida Republicans are pursuing a plan to make it harder for lawmakers to raise taxes in the state, adding new hurdles for Democrats hoping to enact bold social programs such as "Medicare for all" and more robust education spending. **NCSL research cited.**

### Insurers warn of rising premiums after Trump axes Obamacare payments again

*Reuters*



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